REMARKS

ON THE

PRESENT POSITION

OF THE

CHURCH OF SCOTLAND.

OCCASIONED BY THE PUBLICATION OF A

LETTER FROM THE DEAN OF FACULTY

TO

THE LORD CHANCELLOR.

BY

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REMARKS, &c.

THERE is one peculiarity in this pamphlet of the Dean's, which makes it far more difficult to deal with, than any to which my attention was ever before called, or challenged, on the lists of controversy. And this peculiarity lies, not so much in the multifariousness of its topics, as in the utter mal-arrangement of them. The work seems as if it had been carried forward in snatches or at intervals—presenting, as it does, distinct trains of thought; each of which has no perceivable connection, either with the one that comes immediately before, or with the other which immediately comes after it. This evil is scarcely, if at all, alleviated, by the syllabic view which he has given at the commencement of his work in the form of a Table of Contents; and that for the purpose apparently, of serving the reader with a clue for the labyrinth on which he is to enter. Truly it is not with literary or with intellectual, as it is with military tactics—when the very disorder of a hostile force makes it all the easier a prey to the victors who are bearing down upon it. It is different in the warfare of argument, when the ill-marshalled paragraphs of some lengthened or laborious ratiocination, instead of offering a facility to the assailant, leave the author well nigh unassailable—almost safe and beyond the reach of attack, because entrenched, as it were, in the mazes of his own confusion.

But over and above this difficulty, the difficulty of groping by a way that is nearly untraceable, there is another peculiarity in the work which strongly adds to the disinclination I should feel, in making any formal reply to it. It is throughout an attack on my own consistency—the consistency of my views at least, if not of my principles. Were my pamphlet a proper or counterpart rejoinder to that of the Dean's, it behoved to be of self all over; and the distastefulness of the theme were greatly enhanced, by the grotesque position which I have been made to occupy, between a most distinguished member of the bar in Scotland, and the highest legal functionary in these kingdoms. In the published letter from the

Dean of Faculty to the Lord Chancellor of England, there is a far greater importance ascribed to what I have said or done, than rightfully belongs to the views; or, as it may be so called, to the aberrations of any individual. I gladly therefore make my escape from the subject in this particular form; and will try, as much as possible, to manage the discussion of it in the terms of a general argument. Enough, to myself at least, for the practical vindication of my own consistency—that I am not afraid to hazard a comparison of the statements which I now make, with one or all of my previous declarations; and while I would thus dispense with all the forms of controversy, the really useful purposes of controversy will be served, if I can succeed in gaining the acceptance of my readers for certain principles, to overset and discredit which is the leading object of the work that is opposed to me.

It were vain to disguise however that had the Dean of Faculty not written at present on this subject, neither should I. My pamphlet and his follow each other by the same vinculum, and on the same footing, with the two terms of a sequence. Both the character and cause of this my little publication, I have endeavoured to describe as accurately as I could in its title page. In announcing its theme to be the present position of the Church of Scotland, I want to shift the attention of my readers from a person to a subject—from a topic of comparative insignificance, to one of most grave and momentous consideration. Yet certain it is, that, till within these few days, any necessity for the effort which I now make had been wholly unforeseen by me. It is his pamphlet which has originated mine; and while I desire to be exempted from the task, which I should really feel to be impracticable, of meeting him point by point and paragraph by paragraph, I am free to acknowledge that the appearance of his letter to the Chancellor, is the occasion of the remarks which I am about to offer.

Beside the perplexity of his method, I have some other complaints against the Dean of Faculty in the conduct of this argument. I regret his incessant attempt, to provoke against us the antipathies of Englishmen. And there is one ungenerous and untasteful allusion to the power of enforcement by the civil authorities—a feeling of triumphant complacency in their possession of this coarser element, which it had been more decorous to have repressed. But making allowance for that legal ingenuity which is the habit of his profession, he, on the whole, is an open and manly combatant—nor can we charge him with aught, that is either unkind or unhandsome to any of his opponents. It is true, that there is one tremendous

and wholesale sort of imputation, which we may gather from his pages—as if the love of power were the predominant affection of us ecclesiastics, and as if the enactment of the Veto had been one of its strongest and most egregious manifestations. But this appears more as an element in the course of his reasonings—in the shape I should say rather of an historical imagination, than of a personal charge. There is no impeachment that I can see of the motives or character of individuals. And it is a comfort, a great comfort, when the spirit of the times is so fast and so fearfully vulgarising, to fall into the hands of a gentleman and man of honour. The Dean of Faculty is a chevalier. He is not a roundhead. And there are certain higher attributes which entitle him to the acknowledgments of our still profounder respect—his undoubted earnestness, his unbending principle; and my only wish is that this property of the unbending, confined to principle alone, had not so extended itself over the system of his habits and opinions—as to have worked in him an adhesiveness the most tenacious and uncompromising, to the practice and policy of his younger days. And it is thus that those institutions which he most venerates and loves, would be placed in extremest jeopardy, were they at all committed to his hands. That error, which, in an unguarded moment of debate, fell, and fell but once, from the lips of the Duke of Wellington, is graven on the heart of the Dean of Faculty. In his unsparing warfare against all novelties, he would proscribe not merely the flexibility of change, which nakedly and of itself is a vice—but the flexibility of adaptation, which, whether in civil or ecclesiastical politics, is often a great and necessary virtue. And thus the sure effect of that resistance to the increasing majorities of our church, whereof the Dean is at once the head and the champion, will, if much longer persevered in, prove either the demolition of our Establishment among the adverse breakers by which it is surrounded—or its sudden precipitation to that very democracy, which forms the dread and deprecation of those who are now doing the most to speed it forward.

But, without enlarging further on these preliminary topics, let us begin at once our brief explanation of the policy of those who are for deferring more largely than heretofore to the will of the people, in the appointment of clergymen.

We are perfectly aware that in this, as in many other questions, there may be a diversity of principle among those, who, practically

on the same side of it, find that, though not in the argument, yet in the vote they are at one. There is not a more usual phenomenon than this, either in our own ecclesiastical corporation, or in the great corporation of the State. And accordingly, among several of our own supporters, we hear, as their first and foremost consideration, of the "rights of the Christian people." Theirs is a sort of abstract principle on the jurisprudence of the question—a sort of legal or juridical category, which I confess myself unable to see, either in the light of its own instant manifestation, or in any other light whether of evidence from reason, or of evidence from Scripture that may be adduced in support of it. We do not feel the obligation of conceding this as the people's right, apart from its consequences on the good of the Church—in the same way that we feel the obligations of truth and justice, apart from their consequences on the good of Society. We are not utilitarians on the general question of morals; but we confess ourselves utilitarians on this special question of ecclesiastical polity. I think I have discovered certain symptoms of impatience among some of my friends, because I cannot join in their watchword, or sympathise in the principle which has led to their adoption of it. But on this as on every other question I refuse the dictation of others, or to be out-driven beyond the light of my own native and spontaneous convictions.

Others again befriend the measure, because of its conceived subserviency to the "Christian good of the people." They think, that, with a certain measure of popular consent, there is better security for a succession of good appointments in the church, than under the system of naked unchecked and despotic patronage. They are charged by some, as being the disciples or advocates of an ecclesiastical polity, grounded not on principle, but on expediency. But it is forgotten that theirs is a Christian, and not a selfish or political expediency. Things which differ ought not to be confounded, because, to the misfortune of those things among them which are the better or the best, all are presented to our notice under a common appellation. Were it not for the imposition that lies in a name, it must at once be seen, that, to consult what is most expedient for the moral and spiritual good of the Church, is in truth the highest of all principles. Such expediency has no quality in common, with the gross and secular utilitarianism of the present day. It might as well be said, that, to do or to devise what is best for the *interests* of religion, is to act on an interested motive—as to say, that, to consider what is most expedient for the spiritual good of the Church, is to act on a system of expediency. To do what is

best for religion, is our most sacred and religious obligation. To do what is most for the good of Christianity, is as much within the category of duty, as it is to do any Christian good at all.

Others, if it be not their sole argument, find at least an additional recommendation for the Veto, in its accordance with a great constitutional principle in our church—that none shall be intruded into the ministry against the will of the congregation. This, if never until now carried into full and certain effect by the enactment of so many specific distinct and practical regulations, was at least a familiar and recognised maxim of ecclesiastical polity in other times. This disarms many of the antipathies which might otherwise be felt against the measure as a novelty; and might even lead numbers to associate therewith, the recollection of Presbytery in its purer and healthier days.

There be many again who can allege a sanction in Scripture, for that deference which is rendered by our Veto law to the will of the people. The election, at least of deacons, was expressly made over to them by the apostles—an office which called at that time for men of high qualifications, yet of which the people must have been qualified to judge, even that they should be full of the Holy Ghost and of wisdom. Nor can there have been the same lordly contempt in these days for popular inclination, that has often marked the policy of ecclesiastics in latter times—when an inspired writer thought it worthy of a place in his record, that "the saying pleased the whole multitude."

But, last of all, there may be some, who, without laying a strong hold on any of the previous considerations, may think, and on the most legitimate grounds, that something should, and just because something must be done, for the stability of our Church, in these times of difficulty and peril. They calculate that the people should be brought more numerously, and more nearly, into contact with the Church, by being admitted into a larger part and concern than hitherto in the administration of its affairs—and this, that the Church may be placed in a fitter position, and on better vantage ground, for leavening in return with her own right and proper spirit, the mass of the population. Certain it is that an aristocratic church, patronized without modification or control, by the grandees of the country—filled with a clergy that respond more to the tastes and inclinations of those to whom they owe their preferment,—and standing aloof from all sympathy and fellowship with the common people—is not so favourably circumstanced for neutralizing, by the peaceful and hallowing influence of its lessons,

that mischief, which, in seasons of ferment and democratic violence, finds such ready access into the hearts and bosoms of the working classes of society. It is thus a very general sentiment, even among those who are hostile to our specific measure of a Veto, that something must be done. We have ourselves heard the frequent admission from them, that, at all events, the principle of non-intrusion must in some way be provided for; and that a check on the exercise of the patronage, though not our check, must be devised. Very many there are even of our most resolute opponents, who, if it were closely put to them, would admit that a simple re-adoption of the old system were extremely hazardous; and we doubt not that what they feel of the recurrence, many at the time of the enactment, felt respecting the continuance of that system. Their argument was, that, if not in abstract principle, at least in prudence, the civil and ecclesiastical should as much as possible be made to harmonize—in other words, that the two should be brought to quadrate, as far as prudence might demand, and at the same time as principle would allow; and that not only the permanency of the Established Church, but its wholesome influence over the people of the land, were best consulted by such an adaptation to the new state of the Commonwealth.

It seems to have been on these various considerations, acting like so many forces, and in greater or less degrees of combination with each individual, that a majority of our church was brought together, in support of the Veto act. Had the principles been contrary as well as diverse, the one from the other, their motley conjunction on the side of our cause, would have laid it open to tremendous exposure at the hands of an able adversary. The Dean seems to have proceeded on this imagination—confounding opposition with difference; and taking it for granted, that the cause must be a hollow or a bad one, seeing how much its advocates differed among themselves. He forgets that there are differences, and ours are precisely of that description, which serve to strengthen, not only a party, but a cause; and, while adding doubtless to the numbers of the one, adding also to the positive merits and recommendations of the other. They who plead for the Veto as "the right of the Christian people," must feel themselves not the weaker but the stronger, if, over and above, it can be made out, whether by themselves or others, that it is for "the Christian good of the people;" and still more so, if they can appeal in its favour to the law and history of the Church; and still more, if they can find a countenance for the spirit and principle of the measure in the New

Testament; and last, but not least in the estimation of practical wisdom, if, with conciliation without compromise, it can stablish our church in the affections of our people, and so make it the instrument of a far more diffusive blessing throughout general society. These elements do not neutralize, but lend to each other a mutual support and confirmation. But the Dean looks to the matter in a different way. He thinks that because the persons who affect these principles variously, may be played off the one against the other, the same may be done with the principles themselves; and that, as if between these too there obtained an irreconcilable hostility, they also might be bandied the one against the other, in a war of mutual extermination. Now though distinct they are not conflicting reasons, nor reciprocally destructive of each other. Even though one or more of them should be cancelled, the others which remain are sufficient for the upholding of our cause; and, instead of so many adverse forces creating dissension or weakness in the interior of our camp, they afford us the benefit and power of a cumulative argument.

The manner in which the Dean of Faculty has dealt with this part of his argument, puts me in mind of the controversies, which have arisen on the first principles of moral science. Each party of combatants has espoused their one principle, as that which gives all its stability to the ethical system—some contending for the independent rectitude and obligation of virtue in itself, as the only foundation of duty—others for the authority of the divine law—others for its subservience to the good of self—and others for its subservience to the good of society. Out of the dust and turmoil of these manifold argumentations, a mistiness has arisen; and some have been visited in consequence, with the perplexities and painful misgivings of an uncertainty, amounting almost to scepticism, on the primary elements of the question. In other words, virtue is distinguished by more perfections, by more properties of excellence, than one; and hence the controversy, Which of these it is that forms the essence or the specific and discriminative characteristic of virtue. But let it not be forgotten, that what has thus served to cast an obscuration over the theory of morals, should at the same time serve to enshrine morality itself all the more in our reverence and practical regard—seeing that all this literary strife among the philosophers, has originated in the multitude and variety of its claims, with the competition for place and precedency which they have been pleased to set up between them. It is the very number of its props, each of which might serve as a pedestal

for the whole fabric—the very number of graces by which morality is adorned—that has mystified the elementary speculations of ethical science; and the same cause has mystified the argument of the Dean of Faculty. He seems to proceed on the imagination, that all who advocate the non-intrusion of ministers into parishes, should do it on one and the same principle. If two or more principles or reasons are brought into the field of argument, the perplexity which their appearance creates in his own mind, is charged upon his antagonists. He seems to have no notion, that, though different, they may yet be conspiring forces; and that, instead of a conflict, they, in fact, yield a summation of evidence in our favour. And accordingly in pages 27, 28, 73, of his Letter, he would fasten upon me the charge of inconsistency with myself; and in pages 74, 75, &c., finds inconsistency between various pleadings on the part of my coadjutors—and that only because we have made use of various pleas; or, in other words, because ours is a cause which admits of being set forth in diverse yet converging lights—and that from the very strength and abundance of its recommendations. "Imitemur philosophos morales, qui, ex dogmatibus sectarum diversis, eadem præcepta eruunt." The diversity of moral theories, when brought to bear on a particular duty, may cast an obscuration over the principle—while they serve to enhance the degree, and more firmly to establish the certainty, of its virtuousness. The diversities of argumentation in behalf of a particular measure, might only enhance the demonstration of its value; and even while they put to flight the simplifications of the metaphysician and the jurist, may recommend the adoption of it all the more, to the practical wisdom of every sound and enlightened legislator.

But let me now engage more singly and specially, with each leading topic of the question before us. These I shall endeavour, as much as possible, to present in orderly succession; but I have, to implore the sympathy of my readers, if they expect that, in conjunction with any thing like order, I shall maintain a continuous reference to this work of the Dean of Faculty. I shall do my best. There is one line of English poetry, which I happen to recollect—the first half of which, taken alone, is descriptive of this pamphlet—"A mighty maze;" but, when taken along with the second half, ceases altogether to be descriptive of it—"A mighty maze, but not without a plan." The study of the universe is not so formidable, as is the study of this enormous miscellany—this

"mare magnum" and interminable medley of contents—"moles indigesta"—having, if not the vastness, at least all the confusion and disorder of a chaos, "A mighty maze, but quite without a plan."

The first thing we ask of our readers, is that they will keep a separate place in their understandings, for each of two things, which, though wholly distinct, have been confounded and merged into one and the same thing, in the reasonings of the Dean of Faculty. We ask them to discriminate between the grounds on which the dissent of the people from the presentee is felt, and the moral honesty wherewith when called before the Presbytery their dissent is given. Whether it is a *bona ratione* dissent is one question. Whether it is a *bona fide* dissent is another, and altogether a different question. This is not a subtile or shadowy, but an eminently practical distinction—palpable to the discernment of all, and daily proceeded on in the common affairs and business of human life. Of all men, it is a distinction which should be most familiar to the Dean of Faculty; and which makes it only the more wonderful, that he should have lost sight of it on the present occasion. He knows well how to distinguish, between the honesty of a verdict and the grounds of a verdict. The two things are wholly distinct, and the two processes are altogether as distinct by which it is endeavoured to make sure of them. It is to secure the one, or the honesty of their verdict, that a solemn oath is administered to the jury-men. It is to provide them with the other, or with grounds for their verdict, that the evidence of the case is taken and set before them. And they are simply called upon to utter their verdict —never to state, or far less to vindicate the grounds of it. The party most qualified to argue the grounds, would be the advocates at the bar. The party most qualified to state them would be the judges on the bench. And yet they are neither the one nor the other who are entrusted with the decision, but a third party altogether, Gentlemen of the Jury, who, though so called, are often the plainest of the plain among the citizens—homely and unlettered tradesmen, whose common honesty, after the solemnities of an oath have been laid upon them, is held to be a sufficient guarantee for their stating truly what their conviction is; and whose common sense is held to be a sufficient guarantee, for the soundness of that conviction—Neither the statement of reasons, of which in all likelihood they would be incapable; and far less the logical defence and vindication of these reasons, of which they would be still more incapable, being ever called for at their hands.

Now in estimating the difference between the motions of 1833 and 1834—and of course my inconsistency, in that I originated the one while hitherto I have acquiesced in the other—this distinction, between the grounds of the dissent and the character of the dissent, is wholly overlooked by the Dean of Faculty. The following is the motion of 1833: "That the General Assembly, having maturely weighed and considered the various overtures now before them, do find and declare that it is, and has been ever since the Reformation, a fixed principle in the law of this Church, that no minister shall be intruded into any pastoral charge contrary to the will of the congregation; and considering that doubts and misrepresentations have existed on this important subject, whereby the just and salutary operation of the said principle has been impeded, and in many cases defeated, the General Assembly further declare it to be their opinion, that the dissent of a majority of the male heads of families resident within the parish being members of the congregation and in communion with the Church at least two years previous to the day of moderation, whether such dissent shall be expressed with or without the assignment of reasons, ought to be of conclusive effect in setting aside the presentee, (under the patron's nomination,) save and except where it is clearly established by the patron, presentee, or any of the minority, that the said dissent is founded in corrupt or malicious combination, or not truly founded in any objection personal to the presentee, in regard to his ministerial gifts or qualifications, either in general, or with reference to that particular parish; and in order that this declaration may be carried into full effect, that a committee shall be appointed to prepare the best measure for carrying it into effect accordingly, and to report to the next General Assembly."

It is obvious from this motion, that the people are not required by it to state the grounds of their dissent. It was to be of conclusive effect, 'with or without the assignment of reasons.' But then a security was demanded for the moral honesty of their dissent; and for its being set aside, not certainly because of its being proved that it was without good reason, but if it should be proved that it was not in good faith. And yet will the Dean of Faculty tell the Lord Chancellor, of the 'great and essential distinction between this motion and the Veto act of last year'—as if while the latter refused inquiry as to the grounds on which the people exercised their 'right of rejection,' 'the right and duty of the Presbytery to inquire into the grounds of the objection, was (though awkwardly yet to a considerable extent) saved by the motion of 1833.' P. 48. The

truth is that the rejection by the people, and on grounds which they are not called upon to state or to vindicate, is just as absolute by the motion of 1833 as by that of 1834; and the only difference between the two years is, that the security required by the Church for the moral honesty of the dissent was different, and in the latter year, instead of appearing in the body of the motion, had a place assigned to it among the supplementary regulations for carrying the motion into effect. Whether a solemn declaration at the mouths of the people themselves, that their dissent proceeded from a conviction of the man's unfitness for their spiritual edification, whether this was the best security that could be taken, I am not at present called upon to say; and having ceased to be a member of the General Assembly for six years from 1833, I had no hand in the framing of it. But if a better or more effectual security can be devised, that would decide my instant preference in its favour. If it can be in any way shown, that the conviction declared by any of the dissentients, is not the conviction actually felt by them—if the dissent by the mouth can be proved not to have originated in a dissent by the mind—or rather in that dissent, but resting on interested and not on religious considerations, that were enough with me to set aside the veto of the individual, whose moral worthlessness had thus been detected and exposed. I would give no quarter to the corrupt will of the people in their negative, any more than I would give quarter to the corrupt will of the patron in his nomination. We have it in our power to legislate indefinitely against the one, as we have already done in the Act against Simony; and we have the power of legislating, as indefinitely and as largely, against the other also. Still if in virtue of this legislation, the popular dissent were ever set aside, it would not be because shown not to be a reasonable, but because shown not to be a real dissent—that is, not real in the terms of the Declaration, which, without affirming specifically what the considerations are on which the dissent is grounded, affirms generally that it is upon religious considerations. If convinced of the honesty wherewith a Christian peasant declares against a presentee, and that because of the concern profest by him for the religious interests of himself and of his family—I ask no more. Enough for me the moral integrity of his dissent; and, after being satisfied of this, I should require nothing further in the way of analysis or explanation at his hand.

The misapprehension of the Dean is no where more obvious, than when, at the top of page 49, he speaks of 'inquiry into the *grounds* or *motives* of the rejection,' and of the vast superiority which

the proposed measure of 1833 had over the actual measure of 1834 —in that it made such inquiry competent. His error lies in the identification of these two terms. By neither of the two measures was it made competent to inquire into the grounds, while in both cognizance was taken of the motives—in the first by the proposal of a complaint, to be brought before the Presbytery, when the motives were alleged to be bad; in the second by a solemn declaration to be made to the Presbytery, on the part of the dissentients themselves, professing their motive to be religious and good. We must not be misled by any equivoque of which these terms might be capable. In the motion of 1833 it is expressly provided—that the negative of the people shall take effect, with or without the assignment of reasons, and yet if the *reason* of the dissent had been a malicious or hostile feeling towards the presentee, this if established would have made the dissent of none effect. By neither of the motions, is it made competent to inquire into the grounds of the dissent; and yet could it be made clear—that a dissent was given by any communicant, on the *ground* of his preference for some friend of his own, this would have set aside his veto under the first measure, and, if not adequately provided against under the second, this will or ought to be remedied in the course of those improvements which are suggested either by reflection or experience on the supplementary regulations. Under all those ambiguities of language, of which a special pleader knows well how to take the ready and dexterous advantage, there remains a substantive and palpable distinction notwithstanding,—between the metaphysical grounds of a dissent for which a congregation ought not to be reckoned with, and those moral characteristics of a dissent for which they ought to be reckoned with to the uttermost. For instance, a presentee might be vetoed under the general feeling of the people that he is destitute of unction—a property the most difficult of any, perhaps, to define or resolve into its constituent parts—utterly beyond the analytic talent of a people, and baffling enough even to a Presbytery—yet the most effective ingredient of good preaching notwithstanding. Enough if the feeling be real; and therefore my only demand is to make sure of its existence, which can be done in no other way than through the medium of honest or not disproved testimony. After this there is no practical use, and therefore I have no demand for its analysis; and least of all at the hands of the people themselves—that they should be put to the torture, or subjected to a questionary process, in order, as if out of a metaphysic crucible, to bring forth their objection decompounded into

its naked and original elements, before the eye of their examinators. Our only demand therefore, we repeat, is for the existence of the feeling, not for its analysis—in other words, not for the grounds of the dissent, but for its honesty. The Dean has confounded these two. He has failed to distinguish between the things which differ. The flaw is not in the consistency of others, but in his own discrimination.

I shall not count the number of pages or paragraphs, widely and profusely scattered over this work of the Dean's, which are disposed of by the very obvious consideration that I am now insisting on. I can trace them from p. 45 to p. 285, or over the extent of two hundred and forty closely printed pages. The reiteration on this fancied inconsistency amounts to what, in familiar phrase, would be termed *harping*—only exceeded in respect of frequency, by a harping on one other topic, an alleged blunder, of which I shall have to speak afterwards. Meanwhile, as a foot-note in my printed speech of the Assembly 1839, forms the *gravamen* of this alleged inconsistency, let me here give it entire—representing as it does, my unaltered views on this question from the very first, and more especially on the distinction now set forth, between the grounds of the Veto and the moral integrity wherewith it should be rendered.

"It is an entire misconception, that the Church has given up her power to the people by the Veto law. By that law the presentation may be said to be shared between two parties, the patron, and the people,—signed by the one, and virtually countersigned by the other. The Presbytery still retains the same power of check and control over the presentation in this form, which we contend that it ever had over the simple nomination of the patron. We are not the registrars either of the patron or of the people. We are judges of the qualifications and of the *special fitness* as much still as ever; and, moderating in the call between the two parties as heretofore, we can lay our interdict both on the unworthy client of the patron, and on the unworthy favourite of the multitude. If this were thoroughly understood, it would reconcile, I am persuaded, many to the Veto law who are now opposed to it; and a still greater approximation would take place betwixt us, if, instead of acquiescing in a simple veto, the Church were first to legislate against any unworthy traffickings between the candidate and the people, even as it legislated against unworthy traffickings between the candidate and the patron, when it passed the Simony Act. Further, if all abuses cannot be provided against by law, ought not the defenders of the Veto Act to consent, that, while the

non-intrusion principle is in every case deferred to by that act being first put into operation—yet, that even it is liable to be set aside, if it ever be made manifest that in any instance, the voice given forth by the majority has not been the honest expression of their mind and conscience, because not grounded on religious considerations? While I have the utmost respect for the collective will of a simple, serious congregation, provided it has been genuinely given forth, and on the principle of the declaration required of them—yet I can imagine the scandalous scenes of a political election to have disgraced the parish during the vacancy—I can even imagine individuals to have given proof, that they vetoed the nominee of the patron because they wished for another; and so as to have falsified the declaration which the law might impose upon them—for which cases either the whole parish ought to be disfranchised for that time, or the vetoes of the individuals so found against should be struck off from the reckoning.

"It is necessary, however, before finishing this note, to state that in practice and upon the whole, the Veto law has worked smoothly and beneficially. During the last year, when there ought to have been upwards of thirty vacancies, there occurred only one instance of a presentee being vetoed. We are not aware of more than half a dozen instances since the time of its enactment in 1834. Every thing was fast settling down into a state of quiescence, till this unfortunate law-suit was started in the case of Auchterarder; and the wholesome effects of the law, in the series of purer and better appointments which it gave rise to by its reflex influence on the patron, is manifest and undeniable."

Before leaving this part of the subject, I ought to state that on better information, I find the number of vetoes to have been ten in five years; but it is important to remark, that five of these took place within the first year of the operation of the act. It was most natural that the people, misunderstanding the nature of the new power which had been put into their hands, perhaps even set agog by its conscious possession, should at the first have been somewhat wayward in the exercise of it. The gradual subsidence of popular agitation in our parishes, was not only to be looked for from the commencement, but has been verified beyond all original expectation throughout the last four years. Among other causes for this gratifying result, it is most gratifying of all, that we should have to enumerate first a pure and right exercise of the patronage, and secondly the influence of moral suasion exerted not in parishes alone, but over the Church at large; and more especially by that

admirable Pastoral Admonition, of which it is strange that the Dean should have spoken so slightingly, and in argument against the Veto law—fitted as it is, and successful as it in fact has been, in disarming the Veto law of much of the mischief, to which its abuses might have occasionally given rise. It is the appropriate aim of a well-principled church, that all parties, people as well as patrons, should be alike conscientious in the exercise of their respective functions. To secure that no veto shall be of effect but when given on religious motives, is the great, I think the only desideratum which remains for the perfecting of this law; and every lover of his church's prosperity and peace, who looks with unprejudiced eye on the progress that has been actually made, must rejoice to think that we should be on a way of such likelihood and promise towards the fulfilment of it.

There is one comfort to be extracted from the misconceptions of an adversary. The rectification of them may serve to convince our opponents, that we are more at one than they thought. I fear it is too much to expect, that the Dean of Faculty will be brought to acquiesce in the measure of 1834—even though proved to be substantially at one, or capable of being made so, with the measure of 1833, whereof he speaks, if not with entire approval, at least with a far larger degree of toleration. But let us not relinquish the hope, that many others, free of partizanship, and looking calmly on with philanthropic regard to the interests of the Church and of the country, will at length be persuaded that there is nothing so outrageous in this said law, as, amid the violence and exaggerations of the controversy they had been led to imagine.

Our next question is, granting the sincerity of the popular veto, where is our security for the soundness of it? Does it follow because the communicants exercise their negative honestly, that therefore they are to do it rightly? We shall suppose that the Church, by its legislation and its moral influence together, has succeeded in excluding the operation of unworthy motives from this exercise of the functions of the people—still it remains to be asked, however honest their consciences may be, if their judgments will not often go astray. Let our confidence in the moral integrity of their decisions be as great as it may, have we not much to fear from the imperfection of their discernment? Seeing the grounds are not to be stated or explained, it would be at least satisfactory to know what the general considerations are, on which we might safely calculate—that, in all or even in the majority of instances, the

grounds will be good—So as to have some security that, under a system of patronage thus modified, rather than of patronage absolute and unrestricted, there will, on the whole, be a series of better and more useful ministerial appointments in the Church.

We feel the whole force of the difficulty which there is in making a reply to this question, at once palpable, and at the same time satisfactory, to a mere general understanding—most intelligent it may be in things secular, while wholly unintelligent, perhaps even distasteful, of those peculiarities which form, not the distinction only, but the main essence and subject-matter of the gospel of Jesus Christ. Many are the minds of shrewdest discernment in science, and in all the questions of civil polity—which, because of wanting this evangelical discernment, are hopelessly inaccessible to the chief reason on which we would rest our justification of the Veto law. Nevertheless, in the argument as conducted by the Dean of Faculty, (opposed though he be to this law) we delight to find, that there are certain important admissions which encourage us to believe, that an opening to his mind for the vindication which we now mean to offer, is not altogether impracticable. We would therefore most earnestly and most respectfully solicit his attention to the following statement, which we shall endeavour to lay before the reader, as distinctly yet as briefly as possible.

He will readily concede, that an unlettered peasant or artisan, immeasurably beneath the philosopher or man of education though he be, in all that knowledge which can only be reached by a lengthened or a laborious or a logical process of the intellect—may nevertheless have not only as quick and vivid, but in every way as just a discernment, and that in the instant light of its own moral evidence, of the great characteristics of morality, and of the distinctions between right and wrong. And besides, stranger though he be to the theology of academic demonstration, there is a natural theology, the theology of conscience, which tells him as promptly and as powerfully (we think a great deal more so) of a God, and of the sacredness and authority of His law, and of his own miserable deficiency therefrom—which suggests to him a certain sense and prognostication of his own immortality, and may, when once he is awakened, fill him with the strong and undefinable terrors of a judgment to come. It is when the mind, whether of a man of letters or of an ordinary workman, is exercised with fears and difficulties such as these, that the gospel meets him with the counterpart applications of a doctrine, which, if believed to be true, would quiet all his fears, and at once resolve for him all his difficulties.

It is generally, in fact, on the evidence of this felt adaptation, the adaptation of Scripture to the conscious wants and aspirations of humanity, that the gospel is credited at the first; and is more and more confirmed afterwards to every genuine disciple, in the course and along the successive stages of his own moral history. It may perhaps reconcile, even the reader who has had no experience of these things, to our confident affirmation that a legitimate and well grounded faith may thus be realized even by the humblest of our common people, without the scholarship of cultivated life, and without any strenuous exercise of the natural faculties, but in the light as it were of an immediate manifestation —when he is made to recollect, that, apart from scholarship or strenuous exertion, the most homely of our rustics have not only as just a perception of external nature by the faculty of sight, but as just a perception by the moral faculty of character and duty, as the most accomplished savans. But whether I can find entertainment or not for this observation, or if it should be derided by any as mystical or meaningless or as a strange thing brought to their ears—then I must fall back upon Scripture, and am sure at least of a most willing nay reverential acquiescence, on the part of the Dean of Faculty, when I submit the following passages, not so much for his consideration, as for the consideration of those who have hitherto looked to none of these things with aught like intensity or concern:—"The things which are hidden from the wise and prudent are revealed unto babes." The poor have it not only as their peculiar privilege, that "the gospel should be preached to them;" but often are they distinguished from "the rich in this world's goods" by being "rich in faith and heirs of that kingdom which God hath prepared for those who love Him." "The Spirit takes of the things of Christ, and shows them" to those whom He enlightens and regenerates. "The eyes of their understandings are enlightened." "The spirit of wisdom and revelation in the knowledge of Christ is given to them." "They are translated out of darkness into the marvellous light" of the gospel. "All saints (even the poor saints which were at Jerusalem, and barbarians as well as Greeks) are made able to comprehend, and to know what passeth the knowledge" of other men. "The light of the glorious gospel of Christ, who is the image of God, shines unto them." "To them are given the riches of the full assurance of understanding, to the acknowledgment of the mystery of God and of the Father and of Christ." "And they who have such fellowship with the Father and the Son, have fellowship also with

each other." There is between them the sympathy of a common faith and common understanding—the tact of an instant discernment, in virtue of which they can take mutual knowledge of each other; and the voice of such a people on the side of that teacher whom they honestly loved, or in opposition to that teacher the unction and persuasiveness call it even the flavour of whose sermon they neither relished nor recognised, were to me a voice of greater authority, a truer criterion of ministerial fitness for such a parish, than the preference of any patron or the judgment of any Presbytery. If on the one hand there be truth in the description which the Bible gives of subjective Christianity, and on the other there be aught in fact of this subjective or personal Christianity in the land —then such are the characteristics, and such the perceptions and the powers of those who realize it: And we repeat that the adverse testimony of men, possessing this spiritual worth and spiritual discernment, ought not to be countervailed, by any respect which the upper classes of the parish may have for the learning of the presentee, or by any verdict which assembled ecclesiastics may pass either upon his scholarship or his orthodoxy.

Now I rejoice in the substantial admission of all this by the Dean of Faculty; and that far more on grounds, if he will allow me, of respect and regard to himself—than for the sake of any argumentative advantage, which it gives me in this controversy. If I understand him aright, he too would defer to the voice of such a congregation; but asks, and with an appeal to experience which is as just as it is lamentable—where are they to be found? I perfectly accord to him the exceeding rarity of such people and such parishes, however sanguinely pictured forth in the devout imagination of the philanthropist; or, what is far more awfully momentous, however like to those represented in Scripture as the congregations of the faithful. I will not even say that he underrates their number, when he condescends on some half dozen perhaps of such congregations, in certain of the retired parishes in Scotland; and then asks, with great apparent truth of principle, whether a right ecclesiastical legislation for these, would be a right ecclesiastical legislation for the country at large. I accept of all these premises, and will take them along with me in my attempt, as laconically as I can, to answer this question. It were bringing down the standard of practical Christianity greatly I fear beneath the apostolic model of it in the New Testament, to affirm of more than a very fractional number of our parishes, that the majority of the communicants, in the full sense and significancy of the term, were altoge-

ther Christians. And he who is satisfied with being almost a Christian, is no Christian at all.

It is possible that the illustration which I am now to offer, might with some minds serve to aggravate, instead of doing away the mysticism of our views: But though it may not gain them over to our understanding of the matter, it might perhaps make clear to them what that understanding is—so as to apprehend our meaning, though not to approve of it. However respectfully we think of the alleged revival in Kilsyth, we do not, for the purposes of our argument, ask any to believe; but we ask them to conceive of it as a genuine work of the Spirit of God. It is said that out of three thousand human beings in that neighbourhood, three hundred have been converted; or, in virtue of a saving and spiritual illumination, have been brought under the power of the truth as it is in Jesus. We have no doubt in our own mind, that the doctrines which literally and materially have been the instruments of this great achievement, were the leading doctrines of the New Testament, as propounded in the Confession and Catechism of our own church; and on the other hand, that, should we examine these people on the articles of their faith, we should not detect one tittle or flaw of deviation from the standards of our own recognised orthodoxy. It is well that we have the security of a test-book against all the caprices of fanaticism; but it is well also to know that the dissent of a congregation made up of such converts, in the highest state of Christian accomplishment, would be grounded on their demand for the very doctrines of our establishment, brought home to them with affection and power. The subscription of the formula by a presentee, marks his adherence to the literalities of our creed. And the acceptance of the presentee by such a people, would mark him as a likely instrument for propounding it, not in its letter only, but in its spirit and with life. The one deed would harmonise with the other; or, in other words, the verdict of these spiritual men would be at one with the national theology of Scotland. But it might still be objected, that it is the verdict only of the select few; and therefore the important thing to remark at present is, that it would also be the verdict of the general multitude. Any other orthodoxy than that of our own church, and it propounded not coldly or formally but with cordiality and feeling, could not be tolerated by those in Kilsyth, who distinctively by some but derisively by others, are termed "the Lord's people;" but neither, let it well be observed, would any other be sustained by the people at large. This is a phenomenon which in the particular in-

stance could be verified on the spot; but in truth it is a general phenomenon, which, however difficult to explain in theory, is itself the reason, why, practically and in effect, the popular and the evangelical systems of Christianity are at one. It is a truth familiar to all, who are in the least conversant with the history of Christianization whether at home or abroad, that, in every land of free and frequent opportunities for the hearing of the word, the relish, the preference of the great majority, is for the peculiar doctrines of the New Testament—and that long before these doctrines have taken the practical ascendancy over their hearts, or have come to them not in word only but in power. Justification by faith—sanctification by the Spirit—the morality of Scripture, if only enforced by the sanctions of Scripture—These form the substance of that preaching, which, not only converts the few, but which attracts and congregates the many. On the other hand it is equally palpable, that a cold and classic exposition of virtue; or a naked system of duty, with little better for its foundation than a Natural Religion couched it may be in a somewhat different language from that of pure theism, because, though generally with a sparing hand, there may be an occasional sprinkling of the phraseology of Scripture over it—let these be the main constituents, the staple of the sermons of any minister; and, with whatever splendour or eloquence he may decorate his themes, it will invariably be found, that, though attended, even admired by some of the upper or middle orders as in the Unitarian congregations in England, he will be attended comparatively by few and relished by still fewer of the working classes of society—of no favour as a preacher with the common people, and certainly of as little use to them. Such is the distinction in point of acceptance and popularity, between the scriptural and the merely academic or sentimental theology in our pulpits; and, however difficult its philosophy may be, or the attempt to resolve it into a general law, yet, as a general fact it is unquestionable, and so as to afford a firm and experimental basis on which to found the measures of practical wisdom. It has been remarked, and with great truth of observation, by Wilberforce—that, for every man whom Christianity spiritualises, it may from the reflex and secondary influence of his example, and not from the direct influence of the religion itself, humanise fifty more; and so elevate the general standard of a country's morals. And certain it is, that for every man who comes under the power of the truth, there are so many more who have a liking for the truth—a taste for the faith, though short often far

short of obedience to the faith—in love with the very cadence of orthodoxy, while yet unmoulded and unsubdued under the influence of its lessons—with their understandings even their partialities, yet not their whole heart and habits upon its side—hearing the word gladly as the common people heard our Saviour, yet not following Him faithfully; but crucifying Him afresh every day by the worldliness of their still unrenewed minds, even as many of those Jews, who, a little time before had hung with rapture on his lips, fell in with the insensate violence of the rabble at Jerusalem and called out to crucify Him. We have heard the question discussed in our professional circles, What that is, the charm or the attractive ingredient in the peculiar doctrines of the gospel, which was of power to congregate the people yet fell short of converting them; or how it was that they could so like to hear the lessons of a scriptural Christianity, yet refuse to it the captivity of their obedience. The truth of this as a phenomenon is undoubted, nor do we think that its philosophy is impracticable. It is however not as a thing of mental science, but of historical reality, that we at present have to do with it; and certain it is, that it can be verified as such by innumerable observations all over the land. For the hundreds in and about Kilsyth, who have received the truth as it is in Jesus and would tolerate nothing else, there are remaining as many thousands who, though they have not received that truth, at least recognise it; and, whether in a deed of election or of dissent, would most thoroughly accord with those, who have not only been seeking the pearl of great price but have actually found it. And this is not a local but a general experience. The people, we mean those who take any interest in religion at all, do feel and understand the distinction, between that theology which dilutes both the law and the gospel; and that theology which exhibits the one in all the fulness of its authority, and the other in all the fulness of both its propitiated forgiveness and its regenerating grace. They are alive, sensibly and intelligently alive, to the difference between a semi-natural and the purely revealed doctrine of Christianity; and, whether they have yet come under its power or not, grant me but a general earnestness and respect for the subject—and their almost universal preference is, for the ministration of it in its more evangelical form. It is in this form that they recognise it as most accordant with the Bible, and most adapted to the felt necessities of their own moral nature; and, at whatever distance they may yet stand from the company of the faithful, or though only groping their way to a place of light and of enlargement—

theirs is the shrewd and the just imagination, that the religion which falls from the lips of the evangelical clergy, is the only religion which will sanctify or save them. This they can see afar off, and long before they have joined themselves to the 'peculiar people.' They may yet be living without a Saviour; but ere they can be indifferent to the kind of minister who is to be placed over them, they must have taken on the moral hardihood of reprobates, and be content to die without a Saviour. And they do know the difference between that class of instructors to whom they might commit their spiritual guidance, and that other class with whom this high interest of themselves and of their families would not be safe in their hands. Had the ministers of a Presbytery the discernment of spirits, or had they a window to the hearts of a reclaiming congregation so as to discriminate between the honest and the corrupt, and to certify what their real and religious preference was—on the tablet of the popular understanding, thus laid bare that they may see the grounds of that dissent which the people felt but were unable perhaps unwilling to express, would they find a better criterion by which to regulate their judgments on the peculiar fitness of a presentee, than all their other examinations can afford. Let me be sure of there being neither malice nor hypocrisy in the decision of the people; and I would give way to their aversions as based on principle—I would respect their preference as believing it to be a good one.

But this conducts me to another part of the subject. The argument of our last paragraph goes to this—that for a people to have right inclinations and right judgments on the ministry of the gospel, it is not essential that we presuppose their actual Christianity. But certain it is, that, the nearer they are to the state of being personal Christians, their feelings and judgments on this matter are more to be trusted to. Long before that truth which is of power to convert them, has been seen with full manifestation and effect upon their consciences, their consciences are awake; and, even in their first and distant and embryo perceptions of the truth, they can make distinction between a meagre and an evangelical theology, and do give their cordial and decided preference to the latter. There is a moral progress which, in shorter or longer time, the spirit of every man undergoes in its way to Christianity; and the greater his progress, or the farther advanced he is in that way, the clearer will be his views and the stronger his preference of the true over a false or mitigated gospel—and also his preference of him who preaches this gospel with an obvious and heartfelt earnestness,

over him who but didactically expounds it, yet without affection and without urgency. We do not say that he who is utterly regardless of the whole theme, can be at all alive to this distinction; or that he is capable of making it. But we do say that the man who is visited with a sense of nature's disease, knows that the doctrine of a gospel atonement and a gospel grace is the only one suited to it—that he who may yet be far from salvation but is aspiring after it, has begun to be aware, that no other knowledge will avail him but the knowledge of "Jesus Christ and Him crucified"—and that the preaching of the cross is all the more precious to his heart, the more sincere and strenuous are his desires after heaven, or the nearer he is to the kingdom of God.

Now with these premises let it well be considered, who they are in whom this power of dissent is vested. They are not we fear wholly made up of Christians, in the full sense and significancy of that high designation. But neither are they, as the Dean of Faculty would intimate, (p. 37,) synonymous with the general common people of Scotland. They are the communicants, admitted to the table of the Lord on a satisfactory examination of their knowledge and character. The Dean of Faculty tells us of the strong practical security we have for well qualified licentiates; and accomplished, he would infer from this, for an efficient ministration of the gospel in all parishes. Just as strong is our practical security for well qualified communicants; accomplished, we would infer both from their love and knowledge of the truth, for judging of the special unfitness of the presentee whom they reject for their parish. We have no other guarantee for good licentiates, than that the existing clergy of the Church will do their duty. But we have just the same guarantee for good communicants. How is it that he professes so much faith, in the care taken to admit none but right probationers into the Church; and so little in the care taken, though by the very same individuals, to admit none but right parishioners into the membership of the Church, or into the participation of its ordinances? He has been pleased to assign, as the origin of the Veto law, a worthless and unprincipled affection on the part of an ambitious priesthood—though the very priesthood in whose integrity he places such implicit confidence, when, instead of admitting men to be the partakers of holy things, they admit men into the still more solemn and awfully responsible character of being the administrators or the dispensers of holy things. But without going off our way any farther in pursuit of his inconsistencies, we affirm it as a palpable and well known truth, that the

moving principle which carried the adoption of the Veto Act in the General Assembly, was, that better security might be provided than heretofore, for an efficient ministration of the gospel in the Church of Scotland; and that, speaking generally, the ministers by whom this measure was supported and carried through, are the most guarded and the most pains-taking, in the admission of applicants to the communion table. The Veto law, and a constantly growing security for the right administration of it, are fruits and emanations of one and the same principle — a higher practical standard of fitness, both for the ministers and the members of the Church of Christ. It were well that none but Christians were communicants—that the symbols of the Redeemer's body and blood, were put into the hands of none but those whose hearts are consecrated to His service—or, in other words, that none were admitted to this ordinance, but such as are in readiness to do all things whatsoever which Christ hath commanded, and to "present their bodies a living sacrifice holy and acceptable unto God." This is an object to which every well-principled church will aspire; and to which every reforming church, that has *the command of its own discipline*, will approximate continually. One of the Dean's most frequent taunts, is the confidence we have in the judgment and integrity of our people; and one of his most boastful arguments founded thereupon—is that the very existence of such a people would demonstrate, in itself, the practical efficacy of the Church as before administered, and therefore the utter want of any call or necessity for changes, either in the methods or the frame-work of an Institute that was doing as well as possible. Our reply to this is, that neither ministers nor people have been doing as well as possible. To supply the former with a better criterion for right ministerial appointments in all time coming, we have ordained the Veto law; and we hope, by means of a higher and more apostolic discipline, so to qualify the latter as to insure a right administration of the law. It is with shame and sorrow that we read of those scandalous excesses, which have been recorded by the Dean of Faculty. But we must have time to shake off the dregs of the old system; and, bent as we are on the moral regeneration of the country—it is our fond expectation, under Heaven, that by means of good laws and the good administration of them, we shall restore our beloved Church to the purity and the efficiency of her better days.

It is true that if the Dean had his own way with the discipline of the Church, as well as with the disposal of its livings, he would effectually make good his own argument. According to his *ideal*

of the relationship between the Church and the State, the Church would not have the command of its own discipline. On this question too he would subordinate the ecclesiastical to the civil power. He tells us of the right of church membership, which is neither more nor less than a right of admission to the sacraments; and which right, he gives us to understand, may be prosecuted by any of the citizens at a court of law—so that, if armed with their authority, he could force his way to the communion table, even though by the judgment of the Church and of all its consistories, he should thereby profane the ordinance, and bring damage and condemnation upon his own soul. Ere he can forfeit the privilege, there must be a *corpus delicti*—some specific delinquency, palpable enough for cognizance and condemnation by a bench of secular judges, at whose mandate the prostrate church must receive into her inmost sanctuary men, who, in her own judgment, though living without any gross or definable immorality, are yet living without God in the world. In vain would she lift her reclaiming voice, by telling of a morality without godliness—of the virtues of society, which may exist in a state of utter disjunction from the virtues of sacredness—of the difference between those earthly moralities which accomplish and adorn the citizen of this world, and those saintly graces which alone qualify for the citizenship of heaven. Such things are vastly too shadowy and ethereal for the vision of this world's tribunals—yet at their bidding, by the doctrine of the Dean of Faculty, we must receive not only *their* ministers into our pulpits, but *their* communicants into our solemn festivals. If this be State religion, the sooner it is banished from our land the better for the good of the Church, and for the moral well-being as well as peace of the commonwealth. If such be indeed the necessary consequences of an ecclesiastical establishment, in the name of all that is sacred, let our establishments perish; but let it never be forgotten that the authors of this their fearful degradation—that they and they alone are responsible for their overthrow.*

* I regret that after a repeated perusal of the lengthened foot-note which the Dean has subjoined to page 109 of his work—I cannot express myself otherwise on the subject of his notions in regard to Discipline than I have done in the text. He there speaks of the title of Church Membership, which is neither more nor less than a title to receive the Sacraments. Both the conditions which the Dean specifies—adherence to the doctrines of the Established Church, and good moral conduct, are such as cannot be disproved of many thousand applicants whom nevertheless a Christian minister at the head of a Christian eldership, may rightly judge to be unworthy of admission to the Lord's table. The impression given by his note, is not at all mitigated but confirmed by various expressions throughout the body of his pamphlet—As when he says, in page 100, that not only the government but the discipline is fixed by statute; and in page 110, when he speaks of all whose conduct

I am now on the borders of another topic involved in this controversy—the independence of the Church's jurisdiction in spiritual matters. But this seems the place for a few brief and passing observations, on the extent of that deference which is due to the will of the people, in things ecclesiastical; and on the limits of that deference which is due to their will, in things political. There is no such analogy between the two questions, as would, of itself, have drawn from me a single remark upon the subject. But there is the semblance of an analogy, which seems to have attracted the notice of the Dean of Faculty; and on which he would fasten down a sort of twofold inconsistency upon the supporters of the Veto law. For this purpose, he, in the first place, reports a speech ascribed to me at the passing of the Reform bill, which I happen to have forgotten, but the spirit and sentiment of which I feel no difficulty in owning, that it was "a great deal too plebeian for me"—believing, as I do, that the extension of the political franchise has been carried much farther, than was warranted by the progress of education and intelligence in British society. He, in the second place, repeats a testimony of Lord Moncrieff, about which there can be no mis-

does not justly forfeit the right, and entitle the Church to deliver them from its privileges. Is it not clear, else how could it have served him for an analogy at all, that according to him it lies ultimately with a secular court to determine on the justice or injustice of the forfeiture, and to say whether the Church was or was not entitled to debar? Again, in page 148, he denies to the Church the right of vesting the powers of the Eldership or the power of discipline in whom it chooses. But the most decisive passage of all is in page 203—where the Dean contrasts the communicants of a Dissenting with those of an Established congregation; and, what I feel to be a valuable admission from the Dean as confirmatory of our argument in the text, argues that because the former are of a superior cast and men of a decidedly religious character, they are better qualified than the latter for judging of a clergyman.

And what is it that restrains the ministers of the Establishment from fixing and insisting on as high a standard of qualifications for the Lord's table, as do the ministers of any other denomination? Will the clergy of the Church of Scotland admit, that their rolls of communicants must "necessarily embrace a greater variety of human character"—and whence the Dean's imagination of such necessity; but from the idea that our *Statutory* Church must acquiesce in the statutory level of discipline, however far beneath the apostolic model, or the conceptions of our best and holiest clergymen?

After all, the argument does not hinge in the least on his individual sentiments; and we most gladly admit that he personally would offer no disturbance to a Spiritual Court in the exercise of this one function. But he vindicates the Secular Court in its act of disturbing the exercise of another of our appropriate functions; and we have only to make the terms of the very analogy which he himself employs change places, to warrant our disregard of the interdicts and the mandates which are now being thrown in the way of our ecclesiastical processes. He reasons from the power of the Court of Session to interfere with our methods for the admission of men as partakers of holy things, for their like power to interfere with our methods for the admission of men to be dispensers of holy things. We have just to reason back again; and to infer that if we do acquiesce in this latter power now, we must in all time coming succumb to the other power also: Or, in other words, our present struggle is not for the Veto law alone, nor for any single statute of the Church; but for the independence and purity of the Church's discipline.

take, as it is recorded in the printed Evidence taken before the House of Commons, on the question of Patronage. It is obvious of the Dean, that, between the one and the other, he seems to himself as if alone standing in an attitude of consistency—alike free from the errors, which, right and left, he sees to be on both sides of him. The Dean of Faculty is hostile to the extension both of the political and the ecclesiastical franchise. Lord Moncrieff, on the other hand, thinks that the people can be more safely entrusted with the political than the ecclesiastical; or, in other words, could better make choice of a member to look after their secular interests in Parliament, than of a minister to care for their souls. I happen to differ by one half from the Dean of Faculty, and so does Lord Moncrieff; but then his is the other half, which places me and his Lordship in a sort of diametric opposition to each other. It is, of itself, interesting, to take a view of the grades and varieties of sentiment on great public questions. But, over and above this, all truth, in any one department of contemplation, must harmonise with all truth in every other department; and it seems necessary therefore for the credit of one's opinion, that, when its harmony with other opinions is impeached, that harmony ought to be vindicated. I therefore offer no apology for transferring a passage of Lord Moncrieff's Evidence, from the work of the Dean of Faculty, into my own pages.

On Lord Moncrieff being asked by some member of the Committee, why the communicants should not be allowed to choose their ministers, when they were entrusted with political franchises of the highest importance, he said—"I am most decidedly of opinion that the things are totally diverse and separate; and that the principles which apply to the one, cannot with any justice be applied to the other at all. I stated the reasons of this before. A minister is not appointed to represent the wishes or the views, the private interests or the opinions, of the people as a member of Parliament is to a certain degree; but on the contrary he is appointed for the purpose of directing the people, and instructing the people as to what they shall think, and what they shall do for their best interests, in time and through eternity. That is a very different function from the function of a member of Parliament, who comes into Parliament to represent the particular views and interests of the constituents who elect him, or at least to contribute to represent the whole views and interests of the people at large."

And in another place, he says, "And I am humbly but very decidedly of opinion, that under any definition of that mode of ap-

pointment" (popular election) "which I have yet heard, it would be full of danger to the best interests, and perhaps to the existence of the Church of Scotland. In the first place, I think that it is altogether wrong in principle. We cannot transfer to this peculiar and very sacred subject, rules or principles which may be sound and right, and which I may think to be sound and right in mere matters of civil politics. A man who is to be appointed a minister of religion for a particular parish is not to be placed there to represent the opinions, or the interests, or the views of the persons over whom he is set as a minister: Quite the reverse; he is placed there under the sanctions of the most solemn oaths, to teach the people what they ought to think, and what they ought to do."

Now it so happens that my opinion is exactly the reverse of this. Not that I desiderate a system of popular election, for, in point of executive convenience, I think that a simple initiative with a popular check is better than that the first nomination should be vested in a general body of communicants—for, when the question is flung abroad amongst them, Who is the best man, they are apt to scatter themselves far more waywardly and diversely among numerous candidates, it may be of nearly equal merit, than when the definite proposal of one man is set before them; and they are called upon to say, Whether, in their consciences, they think him unfit for their spiritual edification. But whether a place be assigned to them on the side of the initiative, or a place be opened for them if they see cause to enter it on the side of a dissent—either of these requires, on their part, a faculty of correct judgment and feeling on the right qualifications of ministers for parishes; and we confess our far greater confidence, both in their possession and in their exercise of such a faculty, than we should have in any judgment of theirs on the right qualifications for Members of Parliament. It is most true "that the things are totally diverse and separate, and that the principles which apply to the one cannot with any justice be applied to the other at all." But their diversity lies in this, and it points to a wholly different conclusion from that of his Lordship —that, whereas to fix on a good Representative, one would need to be so far enlightened in the difficult questions of legislation, which require a profound acquaintance with history, and economics, and the complicated relations of human society; or he would need to be capable both of a comprehensive survey of facts, and a most lengthened process of excogitation to resolve them into just principles— To fix on a good Minister, one only needs to be conversant in those great simplicities of the gospel, which come home to the un-

derstanding of every earnest inquirer; and must be received into the hearts of all, ere they are made wise unto salvation. For the various accomplishments which meet in the character of a useful statesman, we have only to name a few of the doctrines in which he ought to be intelligent—the good or evil of the law of Primogeniture—the good or evil of a Hereditary Peerage—the good or evil of restrictions on the import of corn—the effects of centralisation in a government—the relative merits of direct and indirect taxation—the proportional share which the agricultural and commercial interests ought to have, in the representation of a country, or in the composition of its Parliament—the privileges of Municipal bodies; and whether as towns are enlarged, these ought to be multiplied, or provided with a larger field of superintendence, to meet the exigencies of an increasing population: And we put it to the reflection of every man—what labours of studious investigation, what lights of science are requisite, to determine which of these might with safety be conceded to the popular voice; and which refused to the popular demand—because, however palatable to the inclinations, not conducive to the interests of the people. To decide whether really they are better qualified for judging of the accomplishments of a useful statesman or a useful clergyman, we have only to pass from these themes of the senate-house to the themes of the pulpit—the doctrine of man's deep and native ungodliness—the doctrine of an adequate because a divine expiation—the doctrine of a regenerating power, made to rest upon those who renounce their own merits, and rely on the mercy and grace of an offered Saviour—the new sanctions of the gospel to the practice of virtue, and the calls founded thereupon to a life of new obedience—Themes familiar to the humblest of our cottage patriarchs; and seen, both in the light of Scripture and the light of their own consciences, to be the very truths by which they and their households are to be saved. The two systems, popular though each of them be, are indeed separate and distinct from each other—that by which senators make their way into Parliament, on the huzzas of the multitude; and that by which ministers find access to the Church, by the favour, or with the honest and intelligent acquiescence of an unreclaiming population. Diverse, wholly diverse indeed, they are, both in their character and effects. The one system would vulgarise the Parliament, which, at the mercy of a blind and misguided violence from without, would, with every new breath of political speculation, precipitate the nation onward to its coming anarchy. The other would sanctify the Church, which, true to the one doctrine that has its deep and

lasting foundation on the word of God and the consciences of the people, would shake off the lethargy of other days, and set forth with renovated vigour on the walk of her high labours.

And yet, with all my hatred for the politics of demagogues and agitators, I have the profoundest respect, I would even call it veneration for the common people. They are behind their superiors in rank, in all civil and secular science; but, with the ordinary parochial training of our land, they are not in the least behind them, either in the capacities of high sentiment, or in truth and clearness of perception—on morals—on practical theology—even on all that is doctrinal which "tends to edifying;" and which, though this excludes the curious speculations or the *nugæ difficiles* of profound Scripture criticism, yet fully comprehends all those lessons, whether of faith or practice, which form the only befitting themes for the expositions of the pulpit. They may not be so versant as the literary classes, in the proper divinity of our halls; but, with the education of our bible schools and the home education of our well brought up families, they are fully as versant (often more so) as are the holders of patronage and power, in the proper divinity of our parish churches. They do have notions as scripturally just, and feelings as profoundly serious, of all the sublime, though simple elements of the instruction which should be given there—of the sin which has ruined humanity—of the salvation which restores it—of the offered pardon—of the incumbent holiness—of the justification by faith, yet of the judgment by works—of the grand business of life—and of its issues in a deathless eternity. To force a minister into a parish, against the real collective feeling, and the honest collective voice of such a commonalty as this—is to lay upon it a moral incubus during the whole of his incumbency: And to protect her vineyard from the mildew of these visitations, so withering and so frequent in the days of absolute and unrestricted patronage, the Church, in her capacity as moral guardian of the people, in the exercise of her undoubted moral prerogatives, and which by her connection with the State she never did abandon—for this high and holy purpose, and for no other, did she institute the Veto law. The Dean of Faculty has perhaps obtained some insight now into the mystery, that one should be so aristocratic in his civil, and yet so plebeian in his ecclesiastical politics. There is a difference between the things of the State, and the things of the Sanctuary—a respect of persons essential to the stability of the one; and which yet would not only be subversive of all right order, but ruinous to the prosperity and very life of the other. "My brethren, have not

the faith of the Lord Jesus Christ, with respect of persons"—for of every rank, as well as of every nation, they only are the accepted and the truly honourable, who "fear God and work righteousness." The majesty of the people is the watchword of our modern incendiaries and firebrands—My reverence is for the majesty of the people's worth: And whether I look to them as partakers of a common nature, having the same vivid play of interests and feelings and family affections with ourselves; or as the partakers of a common hope, with equal capacities for the same noble destination of being the children of God and the heirs of immortality—in a word, looking to them as men with bodies fashioned like our own, and these tenanted by spirits which are imperishable, I cannot but regard them as objects not only for all the charities of Christian benevolence, but for the homage of profoundest veneration.

But I would not stop short at the moral and religious culture of the families of the common people. I should rejoice in their indefinite ascent along the scale, both of intellectual and economic elevation—by which last I understand the growing sufficiency of their means, a larger command than they have at present over the comforts as well as necessaries of life. I have long been convinced, and have stated elsewhere the grounds of my conviction—that there is a patent way, by which they might win for themselves a higher status in the commonwealth than they now occupy*—that there is an intimate and necessary connection between the moral character and the economic comfort of the working classes—and that it is in the worth, more even than in the intelligence, and far more than in the direct political power of the people, where the ture secret of their independence lies. This has been our confident opinion for years; nor can we imagine a finer object for the speculations of philanthropy, a nobler or more important aim for those who take an interest in the philosophy of public affairs, than the best or likeliest methods, by which to raise the whole platform of humble life—the ground-floor, as it were, of our social and political edifice; and so as to realise that most beauteous of all spectacles, a general population of well-principled and well-conditioned families—who, with less work and better wages than now, might have leisure for the cultivation and exercise of their mental faculties, and become qualified for converse and companionship with the upper classes of society. Only let their primary education be well cared for—let their boyhood be nurtured in our Bible schools throughout the week—and

* In the volumes more particularly on "The Christian and Economic Polity of a Nation."

there be this security provided for wholesome and well-spent Sabbaths, even an efficient ministry in our parishes: And we should hail with complacency and delight those institutes and schools of popular science, the recent multiplication of which is so much the dread and the antipathy of those impracticable bigots, who look back with a sigh on the happier ignorance and lethargy of the olden time. In such a spread of high education among the people, we can imagine that even a universal suffrage might be safely committed into their hands—though we should think it wiser in them, to decline the burdensome privilege—believing, as we do, that when the days of such general enlightenment arrive, no rulers, however constituted, could perpetrate with impunity any real or substantial wrong against the commonwealth. But let me stop short in these observations, which I have only introduced in order to remind the Dean of Faculty, that he should look beneath the surface of observation, and beyond the semblances or ostensible analogies of things, before he deals out with such an unsparing hand, the charge of inconsistency against others. I fear that if he honoured my other writings by a perusal, I should become quite a bundle of inconsistencies in his eyes. He would denounce me as an enemy to the poor, because I have written against pauperism—and an enemy to the manufacturing interest, because I have written against the combination laws—and an enemy to agriculture, because I have argued for a repeal of the corn laws: And he would allege an utter discrepancy between the last of these views, and my preference for a landed over a commercial Parliament—even as he has alleged an utter discrepancy, between the fact of my aversion to an extension of a political franchise in the State, and the fact that I was the first mover of the Veto law in the Church. But let me assure him, that it requires a very patient and laborious survey of these various topics of contemplation, ere one can adjust and harmonise them; or pronounce aright on their relations, whether of affinity on the one hand or of diversity upon the other. It is not a thing which can be done at the glance of a moment. There is a glorious symphony in the System of Nature, yet with manifold apparent incongruities to puzzle and exercise observers; and there might be a real symphony in the system of one man's deliberate opinions, which might yet exhibit the aspect of irreconcilable contrariety between certain of its parts, to the hasty view of another man. For example, however inexplicable, either to the ultra Conservatives or the ultra Whigs, there might be a most entire compatibility between the secular politics of Sir James Mackintosh—who tells us that "he regarded that form of Government as best, which placed efficient sovereignty in the

hands of the natural aristocracy of the country, subjecting them in its exercise to the control of the people at large;" and the ecclesiastical politics, of him who can both tolerate an aristocratical patronage, and yet contend for a popular veto. It is not to ward off from myself the imputation of radicalism, that I expatiate on these things. I never imagined, although the Dean seems so to understand me, that I was the object of such a suspicion—though surprised to learn from him, of the disappointment felt on his side of the church, at the motion which I submitted to the last General Assembly; and which clearly proves, that both he and they had been counting upon me as an inveterate old Tory. It is true that our object, or *terminus ad quem*, is not the conservation of the State, but the salvation of the people. But though this be not the object, we rejoice to think, that, collaterally yet surely, it would be the unfailing accompaniment of our ecclesiastical policy; or, in other words, that ours is the true secret of Conservatism. Now the imagination of many of our Tory churchmen is quite the reverse of this; and the error or misapprehension which we charge upon them, is, that they confound or identify when they ought to distinguish. Their dread is, that, by popularizing the Church, you widen the door for a further popularization of the State also, or rather for a further popularization of the constitution and government of the State. They do not see, that, in proportion as you give the people a larger interest, each in the near and intimate concerns of their own parish, you withdraw and lessen the interest which they feel in general politics. A wise statesman, of large and comprehensive views, although religion was not in all his thoughts, would seize, we think, at once upon this conception, and lend his influence to the object of realizing it. He would perceive, that, whereas the one direction of the popular feeling, might, if carried indefinitely onward, prove the high-way to a tremendous general effervescence all over the land—a free outlet for the other, even on the worst supposition in which the Dean loves so much to indulge, would break this down into manageable parochial effervescencies; or create a wholesome diversion, by which the fermenting mischief might find a way of escape, as through so many safety valves.* It is for politicians however, and not for us, to dwell upon this calculation. Ours is altogether a higher aim—so to extend our church as to let down her services to the poorest of our families, and thus to reach all; and so to restore both her constitution and

* I would here refer to my observations on the difference between a Permissive and Compulsory law in Chap. XV. of "The Christian and Economic Polity of a Nation."

her discipline as to annihilate every topic of dissent, and thus to regain all. What we complain of in our opponents is, that their antipathy to the popular in every form, has so disturbed their intellectual vision, that they will not see the distinction between things which differ; nor will they bear to be told of it. Nevertheless it holds true, and most importantly true, that a Church established by law, and having this hold of Government on the one hand; and at the same time established on the affections of the people, and having this hold of society on the other—would be the palladium, both of public order and of public liberty; and that, while what is popular out of it may precipitate the country from one degree of unhingement to another, and at length engulph it in all the horrors of a universal anarchy—what is popular in it may be the prolific source of peace and righteousness, and so turn our beloved Church into a Bethesda for the healing of the nation. Had we but a people exalted as high as possible in the scale of worth, by means of Christian education—we should rejoice in beholding them also exalted, and that too as high as possible, in the scale of intellect by the means of literary education—After which, we would feel quite at ease upon politics, and take little or no concern in any of its fluctuations—assured that the injustice of rulers against such a people, or the insurrection of such a people against rulers, would both alike be moral impossibilities. There neither could, in such a state of the commonwealth, be oppression on the one side; nor the turbulence of discontent upon the other. It is the obstinate blindness of our more antiquated Tory friends upon this subject, of which I complain—as an impracticable barrier, in the way even of the most likely and promising ameliorations. It is because of this, that I ventured upon one of those sayings, which the Dean of Faculty has transferred so frequently into his own pages; and where they stand between inverted commas, not I fear enshrined for the admiration, but pilloried for the amusement of his readers. Nevertheless I will again repeat the obnoxious saying over again; and do affirm of the champions on the side of the *extreme droit*—these ecclesiastical politicians, or these political churchmen, encrusted all over with the prejudices of a period that is now gone by, who will never be argued out and must just be left to die out—these staunch and impregnable adversaries of all improvement—the utterly hopeless, yet withal most respectable and interesting relics, of the old Toryism of Scotland—We do affirm it, as being most emphatically true of one and all of them, that "they know us not, and that they understand us not."

I perhaps ought to apologise for the position which I now assume, or for offering to dispossess the Dean of Faculty of the middle place which he has taken up in his pamphlet, between Lord Monerieff and myself; and whence he deals forth his censure and correction on the errors of each of us. It will no doubt be thought by many a great deal too much, that, on the discussion, if not of a legal question, at least of a question which law has to do with—I should offer to make any change upon this arrangement; or that, thrusting myself between two such able and accomplished lawyers, I should affect the style of an arbitrator, on what I hold to be extreme views, both on the right and the left of me. It may perhaps extenuate the presumption a little, to make it known, that, in many things I am the disciple; and, in all things which he has illustrated or adorned by the touches of his marvellous sagacity, I have long been a profound and ardent admirer of the general talent and philosophy of Edmund Burke. He tells us of the separate functions of lawyer and legislator; and, with great truth of observation, gives us to understand that to be qualified first-rate for the discharge of the one, is not the likeliest preparation and perhaps a hindrance, in the way of being qualified second third or fourth-rate for the discharge of the other. In reality the two provinces, though generally looked upon as cognate and conterminous, are wholly distinct the one from the other. To be a good interpreter of laws, one needs to go no higher than the actual statute-book, and make a right application of what is found there, to the questions of justice which occur between man and man. To be a good maker of laws, one must remount to the first principles of justice—and make a study of human nature—and have a correct view of the limits as well as the powers of legislation—*and become thoroughly aware of the injury, which both the moral and economic interests of a nation might sustain, by the aggressions of law beyond its own rightful department* —and, in a word, learn what is best and most expedient for the good of the country—That, out of all these materials, he might be enabled to devise the best laws for the government of its people. The two paths are essentially distinct. The one ends where the other begins. The legislator takes his departure from the state of human society, and lands in the statute-book—The lawyer takes his departure from the statute-book, and lands among his cases. The two fields of mental labour lie not merely in different, but almost in opposite quarters of human contemplation. If we recollect aright, we may add the authority of Lord Brougham to that of Mr. Burke, for the averment that lawyers seldom make good

legislators. With the exception of Lord Brougham himself, and Sir Samuel Romilly, and Sir James Mackintosh, we at present cannot name any—not Thomas Erskine—not Lord Eldon—most certainly not Lord Thurlow—in short few or none of those, who have filled the highest judicial situations, and been afterwards members of either House of Parliament. On the other hand, our best legislators have not been lawyers. The most recent example of this is Sir Robert Peel, who has often laboured most successfully in this department; and we would refer more particularly to his act for the registration of baptisms and marriages, as a fine specimen of the admirable tact and the comprehensive wisdom, which are required in making a right adjustment between conflicting interests—and clearing one's way among the difficulties of a complicated problem. Ours is not a question which should be confided to an Episcopalian, unless he were thoroughly acquainted with the constitution of Presbytery and the ecclesiastical history of Scotland—else the Parliamentary treatment of it, could not be placed in better hands. In the hands of a mere lawyer, I should tremble for the ultimate disposal of it. Not that his is a profession, which does not afford scope and exercise for the highest powers of the human understanding. Only it is not a profession, the utmost skill in which will meet the exigencies of our case. A lawyer can tell what is the law, and how it should be applied; but he must look above and beyond his own peculiar territory altogether, ere he is qualified to tell what ought to be the law, and with what objects it should be framed. I must therefore demur to the compliment, which the Dean of Faculty pays to the Lord Chancellor; when he tells his Lordship, that he must be the best qualified of all the members of her Majesty's Government, for meeting aright the present application from the Church of Scotland—*because* he had sat in judgment, and decided on the case of Auchterarder. There may be the courtesy of politeness in this flattering testimony of the Dean, or there may be in it the zeal of partizanship; but there is neither the truth nor the profoundness of philosophy, in the reason which he assigns for it. Lord Cottenham may be the very first in his profession; but this is no more reason why he should be qualified to pronounce on a matter out of his profession—than that I should have submitted a question in theology to La Place, because he was the first astronomer of his age—or a question in ecclesiastical law to Cuvier, because he was the first of naturalists—or a question in parish economics to Humboldt, because he was the most philosophical of travellers - Or finally, a question between the

prerogatives of the Church and the powers of the State, to the most skilful and practised of lawyers. On this subject too, they can tell what the law is; but they have to explore a higher and more transcendental region of thought—they must look to the word of God and the indefeasible rights of human conscience, ere they can tell what the law ought to be.

There is one very palpable disqualification, under which the Dean of Faculty labours, for the right entertainment of this question; nor is it necessary that the philosophy of Burke should be called in, to afford the explanation of it. I am too little acquainted with the proceedings of the Scottish bar, to know what the general nature at present is, of those cases which are put into the hands of this much employed and much respected lawyer. But I think I can discern throughout his pamphlet, the traces of his having at one time or other of his practice, had to do with the prosecution of criminals. I infer this from the facility, wherewith, in reasoning against any given law of the Church of which he happens to have an adverse feeling, he can admit and entertain the idea of a general moral worthlessness in those by whom that law is to be administered. Now I should imagine, that all legislation proceeds on the idea, that some men are to be trusted; rather than on the idea, to which the Psalmist gave rash and hasty utterance, when he said that "all men are liars." The truth is, that, were it not for an ultimate confidence in men resting and terminating somewhere, legislation were impossible. And accordingly, there is such confidence placed in juries and judges; or, if it be a business which admits of appeal, the confidence may be transferred for a few steps, but must find at length a landing place, in the integrity of some ultimate court—often in the integrity of a single individual, as that of the Lord Chancellor of England. The truth is that, if, so long as there is a risk of dishonesty, cases are to be transferred from one body to another—this at each step is but a shifting of the difficulty; and as, wherever there are human beings there is this risk of dishonesty, there behoved to be a shifting ad infinitum, and so as to banish all legislation out of the world. In every act of legislation, there must be an implied presumption, that judges and administrators will do their duty. The chance of error and corruption, in a Court of Exchequer or Justiciary, is not got the better of, by the removal of their cases on appeal to the Court of Session; for there is an equal chance of error and curruption there—a principle well expressed I think by Lord Fullerton, in his judgment on the Auchterarder case, "Let me never see the day when such questions shall be carried, from a cor-

rupt church to an immaculate Court of Session." Now the Dean proceeds in his argument on an opposite principle altogether. It is true that his confidence is unbounded, in all the parties which had to do with the settlement of ministers, in the halcyon days of undisturbed and unrestricted patronage—that then Patrons selected with the utmost care, and Presbyteries examined with the utmost fidelity, and Probationers underwent the most thorough education. But now that a certain limit or modification has been laid on the patronage which is not to his mind, all is reversed—Presbyteries will not do their duty, but give way to the sordid love of preferment for their favourites or their families—people will not do their duty, but, in the fulfilment of their part, will fling all truth and conscience away from them—probationers will not do their duty, but, forgetting all respectability, will stoop to the low tastes and affections of the multitude—In a word, that all character and sense of character are henceforth to pass into universal extinction. We cannot but remark how little of the legislator there is in all this, and how much of the lawyer—haunted by his old recollections and old dealings, with the felons and malefactors of the Justiciary Court. The truth is that he cannot look on the parties against whom he sets himself, in any other light than as pannels at the bar—insomuch, that, for the purpose of giving effect and practical value to the reasonings of the Dean of Faculty, the Church of Scotland must become a great corporation of rogues and hypocrites.

But this carries me to the consideration of that great and heinous charge which has been preferred against us, as if in the assertion of our spiritual prerogatives we had rebelled against the law*—a charge repeated in every quarter of society, and industriously propagated among the Conservatives of England; and that for the purpose of enlisting the high principles of loyalty and patriotism, in opposition to our Church. We may not be able to convince an Episcopalian understanding of our entire innocence and freedom from this charge—any more than we could hope, what assuredly we have no desire for, to convert England into a nation of Presbyterians. This is one of those strange imaginations, which the Dean of Faculty has conjured up; and for the apparent purpose of inflaming

* On this subject, see the Pamphlet of the Rev. Andrew Gray of Perth; which contains a complete, and we think an unanswerable demonstration. In the necessarily brief and general notices that we bestow on this part of the subject, we are glad that we have in our power to make this reference to one of the most masterly and conclucive reasonings which ever issued from the press; which the Dean must have known; and which makes it all the more surprising, that he has not made so much as one allusion to the existence of it.

to the uttermost the antipathies of our Southern neighbours—as if we were still actuated by the restless and aggressive proselytism of two centuries back, in favour of our own system of ecclesiastical polity. Most assuredly there will be no such vain attempt, nor, without being responsible for the erratic views of individuals, is there the least inclination in the general and collective mind of our countrymen, for at all meddling with the other great Protestant Establishments of our land. We should be most unwilling, I am sure, to stir in any such enterprise—most willing to let them alone. But on the other hand, we do expect that they will let us alone; nor, through the medium of their Parliament, or by any other organ of power, seek to offer violence against any of those original principles, for which we bore the persecutions of more than half a century, and won at length a separate and independent establishment for ourselves. Let England be assured, that to recast our ecclesiastical constitution in the mould of the understanding and wishes of the Dean of Faculty, were an outrage both on principle and on sound policy, as insensate and as uncalled for, as would be the attempt to incorporate our people with their own church—to turn our synodic provinces into dioceses, and uproot every remaining vestige of Presbytery from among the families of Scotland.

There is one difference so palpable between the two Establishments, that one might say it is graven on their very foreheads. By the one the King is professed to be the Head of the Church. By the other the Lord Jesus Christ is acknowledged to be the only true Head of the Church—a distinction so fundamental, and at the same time so conspicuous, as might prepare any even the most superficial observers, for the conclusion that the practice or administration of the one, is not to be estimated by the standard of the other; and that the attempt to conform them in every particular question which might arise, were just as rational, as would be the attempt to unsettle the original principles of one or both of them. Thus to liken, would be to annihilate the peculiarities of each; and, as we have already said, were tantamount, both in principle and policy, to the outrageous project of assimilating them into one, or re-establishing one and the same Church over the whole empire.

Now in the exercise of our great and leading principle, we have ever acted on the maxim—that the Church, in all things ecclesiastical, is the unfettered mistress of her own doings; nor do we think that we made any surrender of this privilege, when we entered into connection with the State. It is true that we gave up our stan-

dards and our constitution to the State, to be inserted in their statute-book, and to be regarded in all time coming as the articles of agreement between the two parties—so that if we should depart from these standards, or exceed the powers of this constitution, they had the right, as they had at all times the power, to cast us off from the alliance which had been entered on betwixt us. On this footing there took place a mutual exchange of benefits between the two parties. The Church received from the State a maintenance for her clergy; and the State received from the Church, in return, a universal Christian education for the people of the land.

On this footing, the General Assembly has, for a century and a half, enjoyed the free administration of her own affairs. Nor am I aware, that, in a single instance during the whole of that period, there was ever the attempt till now, to force a minister by the civil power into a parish in opposition either to the "acts" or the "actings" by which the General Assembly either fixed legislatively or pronounced judicially on the qualifications of her ministers. Those are not legitimate instances, so often quoted against us, when the minister, even after induction by the Church courts, was forced to demit his office, or at least its emoluments—because afterwards found, in the course of an action at law, to have had an invalid presentation. The Church, much as she felt and protested against the grievance of patronage after it was restored by the act of Queen Anne, never, in practice, refused that a deed of presentation, by the party to whom the exercise of the patronage legally belonged, formed one essential condition, for the admission of a licentiate into the ministry of a parish. But then there is a second condition co-ordinate with the first, as being alike essential therewith; and that is the concurrence of the Ecclesiastical Courts. It is the necessity for the second ingredient, which, in the estimation of many, neutralizes the first; and disarms it of all its bitterness. In other words, it is in the power of the Church, whether by its statutes or its judgments, whether by its acts or its actings, to limit and qualify at pleasure, the power of the Patron, which reconciles many to patronage and makes it at all tolerable. And we repeat, that, never that we know of, has a patron carried his presentee, in opposition either to a statute of the Church or to a judgment of the supreme Ecclesiastical Court.* The cause may have been carried from one inferior court to another; but when it comes to the Ge-

*, The two co-ordinate powers are those of the Patron to present, and of the Church to decide on the qualifications of the Presentee—which qualifications may either have been fixed legislatively before the presentation was issued, or may be

neral Assembly, it "takes end" there. We believe that when it is in the exercise of its judicial power, that an arrest is laid upon the presentee, the authority of its adverse decision never has been questioned. But what we further affirm is, that, in the exercise of its legislative power, it has passed laws and statutes too numerous for quotation, by which the power of the patron, and even the patrimonial value of his right, has undergone large and successive abridgments; and that the authority of these never has been ques-

ascertained judicially after the presentation has been submitted to them. If the Presentee want the former qualifications, it is unnecessary to examine him on the latter—as he is already known to want that which by the mind of the Church is essential to his being inducted into the office. Now what we affirm is, that the present attempt to force a Presentee onward against the mind of the church, whether declared by a Statute or by a judgment is wholly unprecedented.

The cases commonly pleaded against the Church are,

1. Dunse. The question relates wholly to the stipend and the right of Patronage, which it was found that the Presbytery exercised when they ought not, it not having yet fallen to them 'jure devoluto.' And the Lords declined though moved thereto by the opposite party to discharge the Presbytery from settling another man; "because that was interfering with the power of ordination, or the internal policy of the church, with which the Lords thought they had nothing to do."

2. Culross. The question was between two claimants to the Patronage, as to the right of presentation. The Presbytery admitted the presentee of the wrong claimant, who, was found in consequence to have no right to the Stipend. Still the whole question related to the Stipend which was judged away from the actual minister, because he wanted the first essential ingredient A—a valid presentation. There is no attempt to overrule the control of the Presbytery over the second ingredient B—the concurrence and co-operation of the Church.

3. Lanark. Here too the minister was settled on a wrong presentation—and the process raised against him was only for setting aside his settlement *quoad temporalia*, without any attempt to disturb the continuance of his pastoral relation as minister of the parish.

4. Kiltarlity. The question relates exclusively to the right of presentation.

5. Auchtermuchty. This too was a question purely of civil right. It is marked by this peculiarity—that the Presbytery not only rejected the Patron's presentee, but assumed the patronage themselves before the expiry of the six months, or before it was rightfully theirs. They not only made a free use of their own right B—but they laid hold on the other and co-ordinate right A, which did not belong to them—and were therefore as much liable to the suits and interdicts of the Court for so doing—as if, instead of seizing on his Patronage, they had seized on the Patron's lands. They accordingly had an interdict laid upon them, and were rebuked for disregarding it—a precedent, it has been strangely alleged, for the proceedings of the Court in the case of Lethendy. But the circumstances of the two cases could not have been better arranged for marking the perfect contrast and contrariety between them. In the latter case there could be no conflict between Patrons—for the Crown the undoubted Patron had issued first one, and then another presentation—deferring to the power of the Presbytery over the right B, in virtue of which it rejected the first presentation, thereby implementing its own ordinance; and in virtue of which also it was proceeding, according to its own ecclesiastical order, to give effect to the second presentation. It was here that the Court of Session struck in, and did what was never done before—intromitted, not with a question between one Patron and another, not with a question between Patron and Presbytery, as to which of the two parties had the right of Patronage—but intromitted with a right hitherto deemed as inviolable in Scotland, as in England they deem it the exclusive right of the Bishop to grant or refuse ordination, the right of the Presbytery to the determination of its own methods for constituting the spiritual relationship between a minister and his people.

tioned. We passed an act against Simony; and this lessened the pecuniary value of the right. We ordained a method, by which the removal of ministers from one parish to another should be carried into effect; and, in so doing, invested presbyteries with the absolute power, or at least a power subject to no other control than that of the superior Ecclesiastical Courts, of frustrating a presentation in favour of any of her actual clergymen, to any other parish than that which he at the time occupies—thereby limiting still further the range of the patronage. We, by another act, abolished certain pluralities, that has made it incompetent for any Professor of a University to hold a country living—so that though a patron could formerly have presented any of his professorial acquaintances to one of his parishes, he now cannot though he would. How is it that none of our legal friends, have advised any Professor of a College who is at the same time a licentiate, to get hold of a presentation; and encouraged him, as they have done the presentee of Auchterarder, to prosecute the Presbytery who are "bound and astricted to take him upon trial"? There is nothing surely in the circumstance of his being a Professor, which makes against the literature of the presentee; and it were difficult to make out, that there was any thing in it, which made against his morals —just as little, in fact, as the circumstance of a veto makes against these essential qualifications, in any one who has had the misfortune to be thus signalized. Why then have they not urged on a case of the first description, as well as of the second? They never so advised a Professor; and that purely in consideration of our recent statute against pluralities, or because the fear of that statute was before their eyes. But they have so advised a vetoed presentee—unrestrained by any consideration of another statute, as fully and formally carried, as regularly enacted, and as completely furnished with rules and prescribed methods for its practical enforcement, as the statute against pluralities, or any other statute in our ecclesiastical code. It is not enough to say, that the first of these statutes was a good, and the second a bad one. We are not, at present, discussing the merits of either; but we affirm it to be the first time since the revolution of 1688, that attempt has been made by the civil power, thus to overset any statute of the Church respecting the admission of ministers, whatever may have been its merits—or that the judgment of any party exterior to the Church itself, respecting the character of any of our ordinances, has ever been of influence to countervail or to set aside that ordinance. What we now insist upon as being a novelty, is not that the civil power has thus set itself in

opposition to any of our good laws; but that the civil power has thus set itself in opposition to any of our laws. But it will make good our meaning still more distinctly, if we specify some of those laws which have for their direct object, the qualifications of our entrants into the ministry. We ordained, not many years ago, that no student of divinity shall become a minister, as heretofore, on a course of entirely partial attendance; but that he must at least have attended for one full session, the lectures delivered at the hall: And we have since ordained, that, to make even that one session be of avail for his being taken on trials by the Presbytery, he must, over and above the lectures on Theology, attend the lessons in Hebrew and the lectures on Church History: And we have ordained still more recently, that ere, in estimating the length of his theological curriculum, he can be held as a Regular Student of two years, he must have studied for two sessions both in the Hebrew and Church History classes—all regulations fitted to abridge the number of students, and in that proportion to limit and confine the exercise of the patronage. But the most important thing to be remarked is, that, by the current and every-day practice of our Church, the qualifications for the ministry of the gospel are not only ascertained judicially by a process of examination; but often beforehand are fixed legislatively or by an express ecclesiastical statute. It was in the exercise no doubt of our judicial, and not of our legislative power, that we, the other year, rejected a Crown presentee, who could not preach Gælic in a parish placed along the line of demarcation between the two languages. But there can be no question, that, if, instead of doing this by the force of a judgment on the particular case, we had done it by the force of a law passed the year before, and defining the general boundary within which Gælic must be preached—this would have been equally effectual in nullifying the presentation, if it did not prevent the issue of one altogether. It is incontrovertible that a law would have been operative, which required this qualification of every presentee, that he should be understood in his parish; or, in other words, which fixed it to be a disqualification that he preached not to the understandings of the people. Now the Veto law but requires another qualification of the presentee, when it assigns and fixes as a disqualification, that he preaches not to the hearts of the people. I am quite prepared for a tremendous outcry here, on the part of some of my readers, and that on the feeling which they have, of a total difference in point of rightness and rationality between the characters of these two laws. But this is not the question. We

still affirm that it is the first time, since the days of William III, that any statute of ours determining legislatively some given qualification which must be possessed, or some given condition which must be realised before we hold a candidate for the ministry fit for being taken upon trials, has been set at nought by the civil power. This we should have held to be hardship enough—an unprecedented invasion of what we imagined to be our right, even though the whole effect of the civil sentence had been the loss of the temporalities belonging to the office. But as if it were not enough to have this penalty laid on us, there is an aggression of another kind altogether distinct from the former, and having in it a character of far greater violence—not an invasion on what we had fancied to be the pecuniary rights of the Church, but an invasion upon her liberties. It were well that these two, substantively different as they are from each other, were not so blended and confused into one in the treatment of this controversy. We are willing in *hoc statu* to forego the temporalities—take joyfully the spoiling of our goods—or, correcting this expression as wrong, we submit to the authority of the law when it tells us that no other minister of that parish, than the one named by the patron though wanting the conditions prescribed by us, shall have a right to its stipend. To this extent we are willing to acquiesce in the decision of the civil courts. But we are not willing that we should be obliged on an order from them, to enter upon any steps towards the settlement of a minister who wants our conditions. Neither are we willing that we should be restrained by an interdict from them, when engaged in the settlement of a minister who has our conditions; and who might officiate in holy things among a people, suffering it may be under the destitutions of a protracted vacancy. It is most unfortunate when the civil rights and ecclesiastical conditions, are thus brought into a state of disjunction with each other. But the whole evil we contend, and it is a great one, is a separation between the legal emoluments of the living and the duties of the office. The State can take from us what they gave—the maintenance of our clergymen; but they may not take from us what they never gave—the right of determining our own methods, and prescribing our own requisites for the ordination of clergymen. They may withhold from our minister all that they ever gave civilly. But they may not control us in what we require of him ecclesiastically. If they keep back our stipends—then we cease to be paid by the State; but when they pass beyond this point, and issue, in things ecclesiastical, their mandates to our judicatories on the peril of disobedience—then we

begin to be persecuted by the State. And now that fines in the shape of enormous costs have been levied, and public reprimands have been administered, and threats of imprisonment have been held forth to our clergy—now that loss and contumely and terror have been brought to bear on the Presbyteries of our Establishment, do we hold that the reign of persecution has commenced, and that the Church of Scotland is suffering violence.

Let not then the controversies of the Church on the question of the Veto, make the parties on either side forgetful of the common danger which now hangs over us. It is not this particular measure alone which is at stake. If found to be good, let it be manfully upheld and persevered in. If found to be evil, let it be done away —but only by the authority and deliberate voice of the Church sitting in the unfettered exercise of her own judgment. The great battle with us is for the privileges of the Church, as a self-acting and self-regulating body in all things ecclesiastical; and, for the maintenance of these, we contend that vetoists and anti-vetoists should feel themselves alike interested. They did so feel, when the men of both parties, in all but a unanimous meeting of a Commission of the Assembly, instructed the Presbytery of Dunkeld to proceed in fulfilling the order of the General Assembly, though in the face of an interdict by the Court of Session. Even at the meeting of Commission so late as August last, there was manifestation given of the distinction being still made, between the one question and the other—though we fear beginning to be lost sight of, in the dust and turmoil of our party contentions. In 1834, the specific measure of the Veto was carried by a small majority, that is of not 50 in upwards of 300—or a majority short of $\frac{1}{6}$ of the whole number. In the Commission of August 1839 the Presbytery of Auchterarder were enjoined to abide by the law of the Church, and the directions of the General Assembly—and that by a majority of 84 in a meeting of 103—or by a majority of more than $\frac{1}{5}$ of the whole number. Whatever their dislike of the Veto law, let not this blind its opponents to the vital importance of the principle, that, in things ecclesiastical, the Church should be the uncontrolled mistress of her own doings—and that though by these doings she may forfeit the allowances, she is not subject in them to the authority of the State. The forfeiture is of itself calamity enough. The moral injury done to the population when the legal maintenance of her clergy is withdrawn, will, with every well principled Church, be a consideration of sufficient strength, to operate as a practical security against the doing of aught that is wanton or

wrong.* When the State puts forth its hand of power, and intermeddles with our revenues—that must be acquiesced in. When the State intermeddles, and puts forth the bidding of authority on the procedure of our ecclesiastical business—that must be resisted to the uttermost. Else it will prove the beginning of a sore humiliation—the first step of those successive descents, which will conduct us one by one to the lowest depths of Erastianism. If at the telling of the civil power we must admit such and such men to be the dispensers of holy things—then it is but passing from a greater to a less degree of profanation, if, at the telling of the civil power, we must admit such and such men to be the partakers of holy things. This is what the Dean of Faculty, notwithstanding all his disclaimers has already told us. He speaks of the *right* of membership, or the right of admission to the sacraments of the Church—pleadable therefore at the bar of Justice; and issuing in the mandate of a secular court, compelling a minister to baptise the children of whom they will, and dispense the symbols of the holy atonement to whom they will. They have full command over the temporalities of the Church. Up to that point is the measure of their power; and up to that is the measure of our obedience. One footstep farther, and our Church becomes a despised and a degraded thing—a shame and disgrace to her friends, the derision of her cruel adversaries.

But let me here advert to the paper which I recently published, as one in a Series of Tracts on Non-intrusion; and which the Dean, with an inaccuracy into which he has often fallen in the course of his pamphlet, has been pleased to designate as my tracts. They amount I understand to about a dozen. It so happens that I have read the three first, but have not had the opportunity of reading any of the others—nor do I hold myself more responsible for all the arguments which are there employed, than for all the sentiments of the Edinburgh Review, because, in the course of my life, I have sent three or four contributions to that periodical. And beside an error in fact, there is here the error in judgment repeated over again, by which, confounding diversity with contradiction, he seems to regard it as fatal to a cause, that it is supported by different arguments—as if these behoved to neutralize each other. But, letting that bagatelle pass, there is another of the Dean's equally

* Lord Mackenzie, whose judgment was adverse to the Veto, says at the conclusion of it that this should be held a sufficient sanction. I feel assured that it will have its due influence on the Church; and, at all events, it arms the Civil Power with all the influence which it ought to exercise over a Religious Establishment.

groundless imaginations, which is not just so harmless. By a recent judgment of the Court of Session, the heritors are entitled to appropriate the produce of all the collections held at the doors of our New Churches, for the support of the poor which, *pro tanto*, exonerates them—either lessening their assessment; or postponing the necessity for some time of having recourse to it, if not already introduced into the parish. To protect themselves from the loss that would otherwise be consequent on this sentence of the Court, the Managers of the Church, against whom the action was raised, discontinued the collection at the doors, and endeavoured to realize as much by the means of a weekly domiciliary visit to the hearers; and that in order to release themselves, from the burden of the obligation which they had incurred for the maintenance of the clergyman, and which they could not meet on the produce of the seat-rents alone—an obligation under which they came, in the full prospect of the collections being available as in all time past, for the ecclesiastical expenses of the New Church. Now one of the morbid apprehensions of the Dean is, that this was done by the authority and with the sanction of the Church Extension Committee. If so, I never heard of it. The truth is that the collections had been discontinued, not from the time of the adverse decision being given by the Court, but from the commencement of the process; nor was I made aware of it for many months afterwards, when I happened to be visiting the place, and there received what to me was a piece of altogether new information. Certain it is, that, from the moment I heard of it, I was struck by its analogy with the case of Auchterarder. Here were the Heritors of a parish, who had contended for a right, and had made it good in law. The collections at the doors of our New Churches are theirs if they choose; and, in virtue of this decision which they have gotten in their favour, they may, if they please, send their own collectors to stand at the door, and appropriate all the money that is received by them. The likelihood is that they would receive nothing; for the people most naturally, rather than give their usual weekly contribution to the Heritors, will reserve it for the support of their own minister. Even though the Elders as usual were to officiate as Collectors, the result would in all probability be the same—for the people, knowing of the new destination, would generally give up their old habit of giving as heretofore. Here then is the complete case of a right made good to a party in law, by a declarator of the Court of Session; and yet not possible to be made good in practice, or realized in actual value. But it can be imagined, that,

to obviate the difficulty, the Court of Session might try the chance of something being made at the church door, if the customary collection were again attempted, and the Elders of the Kirk Session were forced to stand at it. But the Court of Session have issued no such mandate. They cannot. It were *ultra vires.* They have no such control over an Ecclesiastical Court. And thus matters are brought to a dead lock—capable of being mended certainly by a new legislation; but not capable of being helped or remedied, in the actual state of the law. And all this too without rebellion—notwithstanding the charge made against us by the Dean of Faculty, who, in his profound veneration for the omnipotence of law, seems to think it as omnipotent for what it has not, as for what it has provided against. There is no rebellion on the part of these Elders, because they will no longer stand at the collection plates of the New Church. And, to estimate how far short they are of anything so monstrous as rebellion, let us conceive how much they ought to do, ere they can rightfully incur such a fell denunciation. If they did stand at the plates; and seize on the money there deposited; and retain it for the support of their Clergyman; and withstand every attempt of the Heritors to wrest it from their hold; and perhaps overawe any such attempt by the moral, or even resist it by the physical force of an indignant congregation—this would really be rebellion. But to lift such a charge against them now, were but a vain endeavour to prejudice the public against them, by an interested and senseless outcry.

To me it appears that the parallel holds exactly.* A patron has held forth a certain presentee to the Presbytery of Auchterarder, whom by the laws of the Church they cannot proceed with as such. The case has been brought before the Court of Session; and they have found that no other but that presentee, can have a right to the emoluments of the living. The right has been so far made good to the presentee in law; but it cannot be made good to him in effect, unless the Presbytery take steps for his induction—which they are restrained from doing, both by an express Statute of the Church, and by the authority of the General Assembly. It is alleged that the Church must be compelled to act, else an injury is sustained by the patron and presentee whose rights are meanwhile kept in abeyance. But so is the right of the Heritors to the produce of the New Church collections, in virtue of the Kirk-ses-

* As I now find it necessary to shorten the following remarks as much as possible, I, instead of expatiating at all the length I might in the text on this illustration of our argument, have resolved to insert the whole of my paper on this subject in the Appendix.

sion not acting in the capacity of collectors—the one body abstaining from their part in defence of a property, the property of the managers of the New Church; the other abstaining from theirs in defence of a principle, the principle of obedience to their ecclesiastical superiors, and of the Church's inherent power in things spiritual. The Court of Session will not issue a mandate on the Kirk-session, to the effect that its elders must officiate as collectors; and neither should they, in our estimation, issue a mandate on the Presbytery, to the effect that its ministers must officiate either as examinators or as ordainers of the patron's presentee. It has been held by the Church, that their interdict on the Presbytery of Dunkeld was *ultra vires*, and it was disregarded accordingly; and it is also held by us, that their mandate on the Presbytery of Auchterarder, would be alike *ultra vires*, and will be equally disregarded. Still however there will have been no rebellion—either by the Presbytery of Auchterarder or by the Church at large; just as little as there is by the Kirk-session of Brechin, in not taking their weekly stand as heretofore at the church-door plate for the offerings of the congregation. The one outcry is in every way as senseless as the other; and, that we might take the full measure of its absurdity, let us try, as in the former case, to estimate how much the Presbytery of Auchterarder would need to do, ere a charge of such deep enormity can rightfully be laid upon them. Now that the *jus devolutum* has fallen into their hands, they might nominate a minister for the parish other than the patron's presentee, yet not be rebels—they might ordain him, yet not be rebels—they might vest him with their authority for preaching to the people on the Sabbath, and visiting them through the week, yet not be rebels—they might admit him as a colleague, or as one of the members of their Presbytery, yet not be rebels—they might send him as their representative to the General Assembly, and even yet be at the distance of a thousand miles from aught so heinous as rebellion. All these matters stand as completely out from the province of the Court of Session, as would the same matters in any dissenting church or congregation; and which it were utterly incompetent for that Court to meddle with. But ours is an Establishment; and, in virtue of this, there are matters which do stand within the province of the Court of Session, and which it were equally incompetent for our Courts to meddle with. Up to the measure of that which distinguishes us from dissenters, we are willing to be dealt with and controlled by the Court of Session; but not certainly beyond that measure. Now the great distinction

is a legal provision for our clergy; and on this subject the Court of Session are all in all. They are supreme in everything which respects the temporalities of the office; and for us to resist, not the power which they have not, but the power which they have—that would be rebellion. Should we offer to seize on the stipend for our minister—there would be as much rebellion in this, as in the elders of the New Church at Brechin, did they offer to seize on the produce of the church-door collections for their minister. Should we, like the disaffected in Ireland, become the instigators of a tithe riot, although with a different object from theirs—that would constitute us rebels. Their object in seizing on the ecclesiastical goods, is to return them into the hands of the farmers—though not rightfully theirs. Our object in seizing on these goods, might be to transfer them into the hands, not of the Patron's but of the Presbytery's minister—though, by the declarator of the Court of Session, not rightfully his. Then it is that rebellion commences. Should we enlist the parishioners in our cause—should we excite their affections so far, in behalf of our own and of their popular clergyman, as arouse them to deeds of violence—to seize on the *ipsa corpora* of the stipend, and carry them in triumph to the door of their much liked minister, this truly were rebellion. The imagination is a very outrageous one, but just as much and as little outrageous—as is the outcry got up by a sort of blind convention, and resounded, as if by infection and gregariously without reflection or reason, through many of the coteries of our land.

Would men lay aside their passions and look calmly on the matter, they might see, that, as in every other case of clashing but co-ordinate jurisdiction, the contest on the judicial arena should cease; and the question, by consent of parties, be carried up, as it were, to the higher or the legislative arena. On this, which is now the only legitimate field, it were quite fair, that each party should attempt to find acceptance for their own views; and whichever of the two prevailed, the result would be the same, in that the civil and the ecclesiastical would then each have it their own way. The thing could be done by either of two alterations, on the present state of the law. But I need not repeat in the text, what the reader will find in the subjoined tract, which forms part of the Appendix to this pamphlet. Meanwhile there ought to be a cessation of hostilities, between the Co-ordinate Courts. It is only by a new legislation, whether on the part of the State or on the part of the Church, that these difficulties can be extricated; and, while such an interval lasts, all hostilities on either side ought to be sus-

pended. I know not what the opponents of our cause aim at, by the opposite course which they have adopted—by the active measures, and the proceedings in new and variously devised forms, which they are now plying to the uttermost. These harassments, varied and multiplied as they will, may distress, but they cannot influence us; nor let them think, that, by all they are now doing, they will ever concuss the Church of Scotland, into a surrender of the spiritual privileges which belong to her. It has been said, that when a misunderstanding arises between two Courts of independent jurisdiction, A and B, it is not for one of these courts to determine what the line of demarcation is, which separates the respective functions of each of them; and this maxim has been brought to bear with adverse application on the Church, for presuming to say what she holds to be a civil and what a spiritual question. But surely if this be a maxim of equity, or of equality between A and B, it is as little for the other of these courts—not only to determine the limit, and so as to enlarge her own province *ad libitum;* but to act on that determination in a series of hostile aggressions against the other party, which the Court of Session are still being called upon to do—and that with a hurry and a feverish impatience, on the part of our adversaries, the object of which they best understand themselves.

But I am not yet done with the case of the New Church collections, by which I have attempted to illustrate the question immediately before us. It is not for me to offer one remark on the legality of the decision; but I may at least be permitted to lament the great practical mischief, that will ensue from it. On this subject I regret to find, that I have not succeeded in engaging the sympathies of the Dean of Faculty—who takes summary comfort in the idea, that I have expressed myself too strongly. In another place, he pays me the ambiguous compliment of splendour. That is a truly unfortunate style, which is unfitted by any vicious qualities whatever, for the conveyance of exact truth; and more especially, when there is either a splendour which discolours, or a strength which exaggerates. But if I can obtain the attention of the Dean, to one or two very plain considerations—he will find that the enormous evil inflicted on the cause of Church Extension, by the recent award of the Court of Session, might be made palpable to the most prosaic and literal understanding.

The Dean has not exaggerated the difficulties, under which our new places of worship labour. On this subject, his picture is quite a faithful one. The truth is, that they have far greater natural difficulties to encounter, than the generality of our Sectarian Meet-

ing Houses. These are, on the whole, attended by that class of society, who can afford such seat-rents and collections, as might both maintain their clergymen; and at least defray the interest, if not liquidate the principal sum, that may have been expended on the erection of their fabrics. But the peculiar object of the General Assembly's Church Extension Scheme, is to make a further descent than Voluntaries can possibly do—and that among those poorer, and down to the poorest of the families, whom they never can, or at least never have overtaken. Of these there are, on the authority of most undoubted surveys, no less than 80,000 individuals in Glasgow; 40,000 in Edinburgh; and, we have reason to believe, half a million in the whole of Scotland—entire outcasts from the habits and decencies of Sabbath observation, that best security for sober and virtuous week-days. To reclaim these, we, with great difficulty and exertion, have completed considerably upwards of one hundred, and are in the way of providing at least two hundred New Churches. It will be obvious, that the gratuitous erection of these is *pro tanto* an endowment. It lightens to a certain degree the burden upon the seat-rents; and, by enabling us to accommodate our hearers on somewhat lower terms, it enables us to shoot somewhat a-head of our dissenting brethren—or to make a farther incursion, as it were, among the yet unprovided families, than, with their higher seat-rents is at all practicable. It will be further obvious, that the difficulties of our enterprise must increase, with every footstep of advancement which we make in it. By every movement of every month, we incur a fresh descent into poorer and more helpless districts than before—so that, with but our present means, we must come to a stand, and that long before the whole destitution is overtaken; or, rather, before we have come into contact at all with that destitution in its lowest and most wretched form—with those who overspread the ground-floor, or rather fill up the sunk-stories of our social and political edifice; and for whom it is the peculiar office of an Established Church to provide a religious education, without money and without price. We had not yet arrived, but were pressing onward to this limit—when it is clear, that, after the point had been reached it would have been quite in vain to build a church for a people, totally unable to maintain their clergyman—so that unless by means of an endowment from the State, or by fresh draughts on the liberality of the public for stipends as well as churches, we must at length be forced to desist from our unfinished, our not nearly half-finished undertaking.

In these circumstances, we put it to any of our readers to imagine, the effect of that cruel award which has been recently passed against us by the Court of Session; and in virtue of which, the Heritors of the different parishes in which our New Churches have been erected, are empowered to seize on all the collections for behoof of the poor—Not necessarily however to maintain the poor better, as from one note of misplaced sympathy on the part of the Dean of Faculty we may be led to imagine; but to relieve themselves of the legal obligation under which they lie, to provide for all the helplessly indigent in their respective parishes. Why it just eats up all the fruit of all the liberalities, which we have been enabled to raise throughout Scotland, for the religious instruction of the people. We could afford them this instruction on lower seat-rents than the Voluntaries—because, with nothing to pay for the fabrics in which they were accommodated, these rents could be so much let down in consequence. But, with the collections taken away, and no longer applied to the ecclesiastical expenses of the New Church, the whole burden of these expenses must now be made to fall on the seat-rents; and, at the very least, to the full extent in which they were let down, they must be raised up again. The dissenters are beyond the reach of any such laws; and they, therefore, can apply their whole collections to the maintenance of their clergyman, or any other expenses incidental to the keeping up of a meeting-house and a congregation. In other words, we have lost, and more than lost, the whole advantage which the generosity of a Christian Public had put into our hand. We are brought down to a level, I think, beneath the level of that incapacity, which adheres to the Voluntary system. Such an avowal, had it come soon enough, would have strangled our enterprise in its infancy; and, now that it has come, let it only be acted on by the Heritors of Scotland, and it is not too strong an averment for me to have made, that it must "bring us to a dead stand." It is not strong enough—it must, if carried into effect, involve many of our existing New Churches in difficulties inextricable, and compel their abandonment.

There is one arithmetical statement, which clearly sets forth the full amount of this calamitous visitation. The average of these yearly collections is not less than £50 in each of the New Churches; or when the two hundred are completed, there will be a loss incurred to the cause of Church Extension, of an annual ten thousand pounds. The money raised for these churches somewhat exceeded two hundred thousand pounds, which, even though the interest

were so high as 5 per cent., only enables us to reduce the seat rents to the extent of the ten thousand pounds that has been taken away from us; and to which extent, therefore, these seat-rents must again be raised. It grieves me that I should have to tell the noble-hearted contributors to our great cause, that all that money, which they meant for the Christian instruction of the poor in Scotland, passes into the pockets of the Heritors. It grieves me to think—that all our efforts, on behalf of this best and greatest interest of the families of the common people, should thus be so cruelly scattered and thrown away. But worse than grievous, it is beyond the endurance of human nerves, to be told yet told untruly—that the bodies of the poor will be better cared for, though at the expense of their souls, when, in fact, the whole benefit of this new destination will be a wretched saving, if any at all, to the landholders of Scotland.* "O ye Scribes and Lawyers and Pharisees who strain at a gnat while ye swallow a camel."

Did these matters ever come before within the cognizance of the Dean of Faculty?—then perhaps he will not be the worse of a little more explanation. He knows that the two rival methods for the supply of a country with religious instruction, are the legal and the voluntary; but perhaps he does not know, that, while the enemies of religious establishments have contended for the voluntary alone to the exclusion of the legal, the friends of these establishments have never contended for the legal to the exclusion of the voluntary —but have ever been in the habit of supplementing the first by the second, as exemplified by the Church of Scotland, and still more largely by the Church of England, and in the Roman Catholic establishments of christendom. Now, in conformity with this universal usage of an established church, we are attempting to enlist both these in the enterprise of extending our church; and that to reclaim within her pale, the thousands and tens of thousands of our outfield population. By our applications to Government on the one hand for an endowment, we are seeking to draw upon the legal. By our applications to a Christian public upon the other, we have drawn and drawn largely upon the voluntary. But the

* It is an utter misconception, that the money gained at the door of the New Church, is lost at the door of the original Parish Church. The New Church congregations are mainly composed of new worshippers; and the sum raised by their contributions, is, in far the greater part, additional to the old collection, and not at the expense, or with the diminution of it. The New Church at Newhaven has a large yearly collection, yet the whole yearly loss sustained at North Leith was somewhere about seventeen shillings. The collection at the New Church of Brechin, if it impaired at all, impaired only by a small fraction, the collection at the original church.

Government on the one side of us have refused our applications, and we have not yet realised what we expect and need from the legal; and the Court of Session on the other side of us have, by one fell swoop, wrested from our hold all that we had realised from the voluntary—transferring what we had gathered for the bread of life to the common people—transferring it, in the crumbs and fragments of this world's subsistence, to the pockets of the landholders in Scotland. We are thus placed between two hostile forces. The first has refused to give; but, worse than this, the second has taken away. The one is but withholding the endowment—the other has passed the middle line of neutrality, and reversed the endowment. The Government keeps down us Church Extensionists to the level of dissenters. The Court of Session sinks us beneath that level; and, as if by a bounty on dissent left in the full command of all its voluntary resources, has placed the ministers of other denominations on better vantage-ground than the Church, for spreading Christianity among the yet unprovided people of our land. And they have done more than this. They have raised a barrier against the return of dissenting ministers and congregations to the Church —who however disposed, and it is a disposition which was rapidly on the increase, will now demur, ere they take a step by which they might forfeit so large a proportion of their ecclesiastical revenue. Perhaps this is a consequence, which, adverse as he is to the incorporation of dissenters with the Church, the Dean of Faculty does not care for. No; but we care. We regard Church Extension and Church Union, as being at this moment the highest of all our public interests—the best and most seasonable appliances which can now be made, both to the moral and the economic distempers of our beloved land. They are objects, which have been espoused with affection by the General Assembly of our Church. Of late they have been prosecuted with ardour and success; and it is our hope and prayer, in the face of every difficulty, that by the help of God we shall carry them.

It is manifest that the Dean of Faculty counts much upon England for the support of his views; and at least has been doing all that in him lies, to awaken against us the antipathies of our sister kingdom. I can imagine the astonishment of Englishmen—if told, that a Church, the maintenance of which costs about two hundred thousand pounds in the year, did at one time, by the simple expedient of a voluntary Sabbath collection, ward off a compulsory pauperism from the whole country, and still does from the great majority of our parishes in Scotland—and with full readiness

too, on being sufficiently extended and having all the methods and energies of the good old parochial system restored to her, again to banish this pestilential visitant, from the towns and the districts which have been of late infected by her presence. The pecuniary value of such an achievement, if estimated by the proportion of our population to that of England, is one million two hundred thousand pounds in the year—or a sum six times greater, than is expended on the maintenance of all our clergymen. We know not, if, in the history of human infatuation, a more singular perversity has been recorded, than that, in return for this service, any heritors of Scotland are to be found, who will throw obstructions in the way of the only Institute, which, by the multiplication of its moral and religious seminaries, of its churches and its ministers and its schools, can reach to the bottom of this sore leprosy; and do over again what she has already done, effectuate the radical cure of pauperism and of all its evils, by drying up its source: Nor can we imagine a more complete travesty or cross purpose on all the objects of legislation, than that a law should be found in the code of any nation, which authorises and directs the party, seeking for the mitigation of a burden devolved upon them by the vice and the improvidence of a neglected population—to seize on the very aliment, by which, with the regenerating power of Christianity, to sustain the independence of our families, and lead them to spurn as our forefathers did all the humiliations of public charity away from them.

This decision on the New Church collections, is far the heaviest infliction which has been sustained by us—much more so than a former one by the Court of Teinds, and by which a clergyman was refused an augmentation to his stipend, on the ground that one of our Extension Churches had been recently erected and opened for divine service in his parish. His original population was six thousand; and the district from which he was relieved, consisting chiefly of a large fishing village, comprised altogether about two thousand persons. In the former state of his parish, he could but expatiate superficially over the face of a multitude so large; and his attentions, necessarily limited to a few out of the many, would naturally be directed to his own hearers, or to those privileged with sittings in the Parish Church—and probably therefore would consist of the upper and middle, rather than of the poorer, or at least of the very poorest classes in society. After that his population had been reduced to four thousand, there still remained to him a greater, a vastly greater number, than the human strength of one clergyman can possibly overtake. But he will at least be

enabled to dip a good way farther down than before; or to carry his week-day attentions by a further descent, among those families of the humble orders of his parish whom formerly he had been unable to reach. It seems strange, that, but for the New Church, and so long as his labours were chiefly among the superior ranks who could more safely be left to the Voluntary system, he might have got the augmentation which was denied to him, when these labours, instead of being lessened, were only transferred in greater measure than before to those of the lower rank, whom the Voluntary system can never overtake—Or, in other words, that, so soon as he was placed in better circumstances than before for doing the work of an Establishment, or that work for which a National Church is peculiarly needed—then it was that the peculiar rewards of an Establishment were withheld from him. But I forget that it is not with the legal merits of the decision, but with the effects of it that we have to do; and it delights me to say, that, to any observation of ours, the evil consequences which were anticipated from this decision to the cause of Church Extension, have not been realized. The Clergy have not been tempted by the hazard of a great family loss, from the principles of ecclesiastical patriotism, or the duty which they owe to the souls of their people. I am not sensible of any abatement since the time of this decision, in the zeal of our ministers for Church Extension in their respective parishes. Let me hope that the heritors of Scotland will imitate this great and disinterested example; and not be tempted to lay their hands on our New Church collections, even although the law has pronounced them to be theirs—else the great cause of the religious instruction of our families, will have a sore and sudden arrest laid upon it. We have found an effectual refuge against the one decision, in the principle of the Church; but should the other decision be carried into effect, there is no making head against the poverty of the people.

But the heritors should be made aware, that, beside the great moral injury of the decision, if they will resolve to act upon it, a fearful injury of another sort must accrue to themselves. The Dean of Faculty, who looks no higher than to the statute-book, or to the statute-book supplemented by the judgments and acts of Court—whose grand panacea for all evils in short is the law—will tell them, as he has told us, that the only course is obedience to the law. Now though by law he should compel the Elders to stand at the plate, it may perhaps convince him that there really does exist a province in human affairs beyond the reach of law—

when he reflects that law cannot compel the people to put any thing into it. And the infallible consequence of any enforcement by heritors of this said law, will be that the hearers of these New Churches will refuse to give—Nay their example may spread; and the indignant hearers of the original parish churches, in sympathy for the difficulties of a labouring congregation, may also reserve their offerings that they may have to bestow on the relief of their suffering townsmen. The certain effect will be the introduction of assessments, where at present they are not; and the fearful increase of them, where they are already established. In a word, this decision, if made operative at all, will be the sure precursor of a compulsory pauperism in Scotland—to the serious injury of the patrimonial interests of the wealthy; but to the far more serious injury of the character of our poor. We think that this matter might be a great deal better ordered—if instead of so thwarting and distressing us, every encouragement were given to the Church Extension scheme. Let New Churches be multiplied to the full extent of the needs of our population. Let no obstacle be thrown in their way. Let, in particular, the infancy of these tender institutions be cherished and protected to the uttermost—that the work of religious instruction, that best guarantee both for the people's moral and economical habits, and therefore our best security for their comfort as well as their character, may be carried forward as rapidly as possible. For this purpose, it is indispensable that the collections should not be meddled with; and that they should be permitted meanwhile to take an ecclesiastical destination— or to be employed during the transition period of our New Churches, in the maintenance of the clergymen, and other expenses incidental to every such undertaking. With this destination, the habit of liberality at the Church doors may be increased indefinitely; and when the endowments are at length given, which, with every new erection, are placed every year more surely within our reach—so that when our fabrics are enough multiplied, they will tell with a moral force upon the Government, that must at length ensure the success of our present applications—Then, and not till then, let the collections be given up in the usual way, for the maintenance of the poor in their respective parishes. Our collections are the *quid pro quo*, that we should like in the mean time to reserve, that we may give them in exchange for the endowments. In this way, a sure and a large benefit will accrue at last to the heritors of Scotland. It is in fact the only patent and practicable way, by which, not only to lay an arrest upon the progress of assessments, but to get rid of them alto-

gether. With the subdivision of parishes—with an increase of oversight and superintendence—above all, with the moral influence of the additional education, given both in churches and in schools—The compulsory pauperism might not only be checked but extirpated; and banished piecemeal, as we plant our new erections, from every parish of the Scottish territory. Even in the savings of a diminished public charity, there would be a large a greatly overpassing indemnification for the expense of all our endowments. This is the way of extricating and adjusting the whole difficulty. The grand specific of the Dean of Faculty is obedience to the law. Our specific is altogether different—yet without disobedience to the law as he would charge us, in his page 144. We disobey not the law, unless, in opposition to the last decreet of the Court of Session, we make these collections ourselves, and lay our hands upon them. But they on the other hand we think would overstretch the law, if they compelled us to hold these collections. By the reasoning of the Dean of Faculty, and it is the pervading error of his work, *the Court of Session have only to exceed their power ad libitum—in order to land the party who refuse them, in the guilt of disobedience to the law.*

Before finally quitting this part of the subject, on which we have dwelt at a length wholly unexpected by ourselves, let me repeat once for all, that, however much we lament the practical mischief of these decisions, we cannot question their rightness according to the existent law; and of course their authority is unquestionable. But it may be permitted to me as the member of one profession, and therefore a stranger to the mysteries of another, to express the sense which I feel of a difficulty in the various judgments given by the Court—when brought into juxta position with an opinion very confidently uttered by the Dean of Faculty, and I believe shared with him by many on the Bench. He tells us of the illegality of *quoad sacra* parishes—the ministers of which he contends have no right to sit as members of Presbytery, and no right to administer discipline by separate Kirk-sessions of their own. Now my wonder is, that, if they have no right to the legal privileges of an Establishment—why they should be subjected to the legal disabilities, or to the burden of any of the legal obligations which are laid upon an Establishment. A dissenting chapel has none of the legal privileges of an Establishment; but then they have none either of its disabilities or of its burdens. For example, a sectarian meeting-house in the village of Buckie, could have none of the civil benefits; but neither I presume would the existence of such a meeting-house,

ever have told against the parish minister—so as to have lost him the augmentation of his stipend. But our Extension Church in Buckie has sped differently. They would deny it all the civil benefits of an Established church; and yet they make use of it as an instrument, for the infliction of a great civil injury on the established minister of the parish. In like manner the seceding minister at Brechin, has certainly no right to be a member of any church court in the Establishment; but neither is he restrained from having a Kirk-session for the exercise of discipline, nor are his church-door collections liable to be seized upon. But our unfortunate Extension Church there is placed in a different predicament—not reckoned an Established church, when there is any benefit to receive by it; but reckoned with on the footing of an Established church, and that most rigorously, when there is any loss to sustain by it. Our poor Extension Churches are thus placed in a very hard and altogether anomalous situation—between one law which would refuse them all the distinctions of an Establishment that are for good, and another law which fastens on them all the distinctions of an Establishment that are for evil. One would have thought, that the same legal authorities who are for refusing them a place in Presbyteries or the powers of a Kirk-session, would have let their collections alone. But no. Law deals with them only as an exactor—never as a dispenser; and both the privileges of an Establishment, and the immunities of Dissenters, are alike withheld from them. That surely is a most peculiar relation, in which these unfortunate churches stand to the law—that never deals with or acknowledges them when it has ought to give, and only deals with them, and that most rigorously when it has ought to take away. I cannot but sympathise with them, when thus exposed to the pelting of so pitiless a storm, and the more that, as in the case of whirlwinds, it comes upon them in a twofold direction, or from opposite points of the compass—giving rise to a phenomenon in law, to me far more puzzling than the corresponding phenomenon in nature. There is at least a seeming discrepancy in these apparently conflicting views of our civilians, which I cannot unravel—a paradox of contrarieties which, in my ignorance of a subject to me extra-professional, I am wholly unable to comprehend.

It is fortunate when a bad law, wants an adequate machinery for the enforcement of it. It is perfectly right that the Court should declare the law; but it is not right to lay the charge of disobedience on any party, who are not under the rightful obligation of carrying that law into effect. We therefore utterly refuse the impeachment

of the Dean of Faculty, when he charges with disobedience in this matter—either the Church Extension Committee, or the Kirk-session of Brechin, or any other party whom he might choose to condescend upon. The law, it seems, cannot be obeyed for want of a proper executive; and so much the better, when it is such a law as the moral interests of the country require, that it should be expunged from the statute-book.

All professional questions are best to be considered and judged of by professional men; and most assuredly it is not for us ecclesiastics, to pronounce on matters which lie wholly within the limits of the legal department, in a way that lawyers only are entitled to do, because they alone are qualified by education and experience for the task. But surely it is not too much to expect, that our profession, on the other hand, should have the benefit of this most obvious rule of equity—instead of which, the ecclesiastical domain is a sort of unprotected common or play-ground, on which the men of every profession might enter with unceremonious footstep; and, in holiday exemption from all learning and all logic, give forth their utterances with a confidence, but at the same time a crudity, against which we ecclesiastics lift in vain our reclaiming voices. Many of our questions too, need to be looked at closely as well as largely and comprehensively; and I wish that the Dean of Faculty had been more aware of this, when he ventured on the two topics of Church Extension and Pauperism—the one belonging to the general economy of a Church; and the other, not only holding a place in Political Science, but requiring to be thoroughly studied in all its principles and details, in framing a right system of parish economics. And there is a third subject on which he has made the same exhibition of a temerity, that is alike unfortunate for his authority in things ecclesiastical. In his pamphlet, page 152, he has pleased to represent me, as having shot ahead of my brethren in the career of extravagance—in that I advocated the measure, in which they out-voted me, of dispensing with a bond for the stipends of our New Church ministers. The subject happens to be somewhat complicated; and the Dean, seizing but on one part of it, has landed himself in a very glaring misconception—though not more glaring than many others into which he has fallen—some of them already exposed with great vigour and effect by my friend Mr. Cunninghame; and more of them I understand to be laid before the public in due time, and which will be found not very creditable to the ex-professional intelligence at least of this most intelligent civilian—who if he would only keep within his own department,

would better consult I am sure his own reputation. But, returning to the matter of the Chapel bonds, he is obviously not aware that my opinion on that question, forms but one member of an extended symphony with other opinions, on which I was also out-voted; but in which I happen to be thoroughly at one with himself. The truth is, that my object all along has been to carry forward the real work of Christian education among the unprovided outcasts of our land as rapidly as possible; and, for this purpose, it has been my strenuous endeavour to shoot clear of all questions of ecclesiastical law. It was on this policy, that I both spoke and voted against the admission of all unendowed ministers into Presbyteries—both on the idea that such a measure would entangle and retard the cause of Church Extension; and also on the principle that no ministers were fully qualified for sharing in the deliberations of a territorial Establishment, who were not in circumstances for territorially pervading their districts—which they could only do on the strength of such low seat-rents, as might let in the poorest of their families: Otherwise they were but Voluntary ministers, with nothing but the impotency of the Voluntary system, by which to operate upon their nominal parishes. If the Dean of Faculty will thoroughly ponder upon these two reasons—approving of them as he must in the one question—he will find that both of them can be brought to bear most favourably on the view which I adopted of the other question also. In the first place, the giving up of the bond, were the removal of a sore barrier in the way of introducing the Gospel into those poorer districts, where no effectual security can be had for the payment of so large a sum as is usually required; and, in the second place, by not necessitating so high a seat-rent, it would enable the minister or missionary to work with far greater effect as a territorial clergyman. On the question whether he should be received as a member of Presbytery, I certainly was willing that this should be postponed, till the national provision which we are labouring to obtain for our New Churches was realized. At the same time, and here the Dean and I may perhaps differ, I look on a minister, though supported in the poorest and most precarious way possible, who, in virtue of low seat-rents can bring himself into contact with all the people of a given locality—as better entitled to a place in the Church Courts of a territorial Establishment, because better qualified for taking part in the discussion and settlement of its proper affairs, than the minister who realizes the largest of our metropolitan stipends, but out of the high seat-reats of a congregation who flock to him from all parts of the city. I would

make the ordination and the ecclesiastical status, hinge more on the capacities of the minister for being of Christian service to the general population, than on the amount of his income; and I still feel assured, that, had I succeeded in realizing the whole of my conceptions on this subject, we should have been on far better vantage-ground than now, for a speedy and general endowment. Our erections would have been greatly more numerous; and the work done around them in the obscurest lanes of our cities, and the most destitute localities of our large and upland parishes, would have presented a far more urgent and powerful claim on the notice of a patriotic legislature, who would with much greater readiness, consent to a grant for perpetuating such a wholesome operation and making it universal, than for relieving the bond-holders of our actual New Churches of their respective obligations. It is not seen how much these bonds, the badges of a seeming sufficiency, and only to be had therefore when a certain proportion of the middle or higher classes can be assembled in our fabrics—it is not seen how surely they operate with a twofold mischief, first in debarring the common people from the benefit of our labours on the one side; and secondly in staying the hand of Government, on the other, from the remuneration of these labours. I was for throwing aside these bonds, when not possible to be obtained, in all future cases—that, breaking forth and beyond this barrier, we might expand our cause into a national magnitude; and draw the kind regards of the nation towards it. I think it would have been a wise as well as a magnanimous policy, to brook the inconveniences and brave the hazards of a transition process, for the sake of its prosperous result—of the sure and happy landing-place, to which it would have carried us.

We despair not of obtaining at length, the full consent and sympathy of those who are churchmen for these views. But it will be utterly hopeless, if, ere they can be made to take effect, we must first carry the attention and understanding of those who are not churchmen. And this is the precise hardship which lies upon us—that, whereas, in every other department, professional questions are submitted to the arbitrament of professional men—in our department, we are often placed at the mercy of summary decisions, or hasty and half-formed views, on the part of men who are not professional. It is but melancholy satisfaction to know, that, in this respect, we are not altogether singular; but that the very same complaint is made by the ablest ecclesiastics, and highest dignataries of the Church of England. In the report of a recent charge by the Bishop of Exeter to his Clergy, after stating, that the per-

sons who most frequently originated parliamentary discussions in the Houses of legislature were utterly unacquainted with the subject they proposed to legislate upon, he proceeds to say that "with regard to all other save ecclesiastical matters a different course of proceeding was deemed advisable. In civil affairs it was considered necessary, that the parties whose duty it was to sit in judgment upon them, and to determine upon or to reject measures regarding them, should be really conversant with the nature of the questions at issue. But as regarded the Clergy and the affairs of the Church, it was strange that such knowledge was not deemed requisite; and could the results of such a system be therefore a matter of surprise? There was this evil also to be apprehended from the legislation of laymen upon affairs connected with the Church—many in the councils of the State, if not indeed the great body of the legislators, voted not with reference to the preponderance of the argument, but to the importance they attached to the opinions of certain individuals." Now it is this exactly which we have most to dread—influence unaccompanied with information. We have few men in Parliament who have the knowledge to expound and represent our cause; and when men out of Parliament undertake the office of its guides and informers—just in proportion to the mischief which their ignorance may do us, is it the duty of the Church's friends to rise up and expose it. My admirable co-presbyter Mr. Cunninghame has incurred reproach, because, with a strength of expression which is the usual accompaniment of great power, he has made forcible demonstration of the misstatements and errors of the Dean of Faculty. We owe him a debt of gratitude notwithstanding—nor should we wonder, that the time of contest, when vital interests are at stake, is the time when softness and ceremony are most apt to be forgotten.

One of the most hurtful of these misinformations, is the account which the Dean of Faculty is pleased to give the Lord Chancellor, of the influence which the Veto law has had both on the number of our students in divinity, and on the character of our licentiates —as if it had so deteriorated the one, and so reduced the other, that the Church was now brought into a precarious and alarming condition for the supply of her vacancies. Never was there a more violent exaggeration, and that too of an evil altogether imaginary. The maximum of enrolments in the various Halls of Scotland took place in 1822; when it amounted to upwards of seven hundred—and at which rate the number of young men preparing for the ministry, was six times greater than the vacancies of the Church could absorb. I was led to make the survey myself, from having on

that or the previous year, introduced an overture into the Assembly, for the enforcement of a greater amount of regular attendance, on the theological classes. I then predicted a reaction on this enormous glut—conceiving it impossible that any profession could long remain overstocked to such a degree, or with so large a proportion in the number of candidates to the number of places. And accordingly a gradual reduction has taken place, and to which the Veto law we allow most sensibly contributed; but still the number of students, though not amounting to four hundred, is double the number required for the supply of our own churches—though now greatly more numerous than before. The Dean labours under a very great arithmetical misconception, on the subject of the now additional demand for probationers. Our two hundred Extension churches, even after they are opened, will have added only one fifth to this demand, instead of doubling it, as his statement would lead the Chancellor to believe. If an annual thirty sufficed formerly, an annual forty will suffice now; and though for a time hasty observers may be misled into the imagination of a greater number of yearly vacancies than this, it proceeds from the circumstance of so many New Churches, which have to be supplied all at once for the first time; but which afterwards, according to the general average, will only require to be supplied at the rate of once in thirty years—this being rather less than the main period of a minister's incumbency. There is not the least ground for apprehension on this score. The annual supply of probationers is double the annual number of vacancies in the Church—besides which it was ascertained last year, that, throughout Scotland, the number of actual probationers is upwards of five hundred, a number of itself adequate to the supply of our church for about fifteen years to come. Should these numbers ever fall inconveniently short, there will, as in every other profession, be a full and instant reaction: And by an operation as sure as that of any law in Political Economy—by an adjusting and equalising force as powerful, as that which tells on the oscillations of a market—we may rest confident, that never will the actual vacancies of our Church remain unprovided for the want of labourers to fill them.

But a still more material question is, Of what sort or description are these labourers likely to be? On this subject we are enabled to give a reply still more satisfactory. The truth is, that the very causes which have operated in reducing the numbers, are such as have a direct influence in raising the qualifications of our licentiates. For example, we have ordained as indispensable, at least one year of full attendance on the theological seminaries—so that the prac-

tice, analogous to that in England of eating their commons, and thus fulfilling their terms in the profession of the law, is now greatly abridged; and in the course I hope of being wholly done away. And accordingly, there is a far greater proportional decline in the number of partial than of regular students; and, this added to the greater number of presbyterial examinations during the course of theological education, as well as to the indefinitely increasing demands of the Church for a greater amount of attendance, and that too on a greater number of classes than before—has given rise to a great and sensible elevation, both in the general and professional literature of our young ecclesiastics; and, for the truth of this, we make our confident appeal to all the Presbyteries in Scotland. Even the Veto law, notwithstanding the prejudices of the Dean against it, acts with a concurrent force and in a way contrary I am aware to all his anticipations, in the very same direction. Previous to that law, or in the days of absolute patronage, any client or dependant who had a sure hold on the influence of his superior—as the son of a factor, or of a favourite tenant, or of a political adherent—who could confidently reckon upon a living in the Church, might, on the impulse of this worldly consideration alone, have entered on the studies of the profession, whether by a course of partial or regular attendance; and could at length realise the preferment which his heart was set upon. This will not now be done so readily, with the fear of the Veto before their eyes. And accordingly, there are many, we doubt not, who, rather than encounter the hazard of being vetoed at the termination of their academical career, have very wisely taken the matter into their own hands, and put the veto on themselves at the commencement of it. Generally speaking, none now will come forward, but those who have affection and zeal enough for the service, not to be deterred by the prospect of any difficulties; or those who have confidence enough in their own powers to have the hope of surmounting them—a confidence, which, though in some instances a vain and groundless conceit, will, in the majority of instances, be that consciousness of mental energy which is inseparable from the actual possession of it. Altogether the effect will be, or rather the effect is, a generation of licentiates of more devoted principle and loftier talent than heretofore; and we again appeal to the observation of all Scotland, if, both in regard to the work of the pulpit on Sabbath and the work of the parish through the week, this effect has not begun to be palpably realised. The fact which cannot be denied or explained away is, that both students and licentiates are now of a higher grade than formerly; and that,

whether in respect of personal Christianity or of both sacred and general literature. We confess that our highest hopes for the Church of Scotland, are associated with the state of its young and rising *personnel*. To them we confidently look for the practical refutation of all those visionary forebodings, in which the Dean of Faculty has indulged; and for the maintenance of our Church's character and credit, which he is labouring with all his might to disparage. And should he succeed in his headstrong and infatuated course, and bring our Establishment to a disruption or an overthrow—to them also we look, to the students and the probationers whom he is pleased to stigmatise, as the materials for a sound and good reconstruction of the edifice, in better and happier times. I will venture to affirm, that the supply was never in a more hopeful and satisfactory state than now, at any former period in the history of the Church of Scotland.

When one professes to study the workings of a complicated machine, and that in order to predict the results of its operation, it really will not do to confine the regards on but one part or one influence—and that to the exclusion of all the other parts and influences which are concerned in the production of them. Now this appears to me to be the unfortunate habit of the Dean of Faculty. The great defect of his estimates lies, in what the general who has to lay down the plan of a campaign, or of a battle, would call a want of combination. Such is the contraction, or to use a better word, the extreme concentration of his thoughts upon the some one principle or tendency which he is employed in discussing—that it monopolises his whole vision; and so, for the time being, is left to have all its own way, without restraint or modification from any other principle, though it may have equally to do with the subject under consideration. And thus, however rightly he may reason on the direction and tendency of a single force, he comes practically to a wrong conclusion; or the point at which he arrives is wide of the truth—just because he either reasons imperfectly, or reasons not at all, on what in physics is termed the composition of forces. It is in this way that an advocate for the privileges of the people, can make forcible demonstration of the evils of despotism; and an advocate for the prerogatives of the crown, can make like forcible demonstration of the evils of democracy. But it requires a more comprehensive view of human nature, with its various actings and reactings, than is taken by either of them—ere one, with the philosophy of a Canning or a De Lolme, can appreciate the excellence of the British constitution; or its

admirable provision of checks and counteractives, by which the cause of order is reconciled with the cause of liberty, and the extremes on either side are neutralised. The Dean, in his horror at all popular influence in the Church, tells us of its vulgarising effect on the minds and habits of our future clergymen. But he keeps out of view a counterworking influence to this, and of which the Church too has the entire control in the education given at universities. He forgets that we are rising almost every year, in our exactions from licentiates, both of a high general and a high theological scholarship; and he does not perceive that all the mischief which he apprehends from vesting a power of election in the many, is effectually done away by restricting the privilege of eligibility to the few—or by the care taken, on the part of the Church, that, whatever share may be conceded to the people in the selection of their minister, they shall have none but materials of the best and purest sort out of which the selection must be made. It is this consideration, which, more than any other, has dissipated the alarms I might otherwise have felt, in the contemplation of those further inroads on the power of the Patron, wherewith the Dean is trying to frighten the Aristocracy of our land. Not that I desiderate the abolition of patronage; but neither am I afraid of it. It is not with a universal suffrage in the Church, as with a universal suffrage in the State. Perhaps it were an improvement on the Reform Bill, to require of those who appear on the hustings, that they shall produce the testimonials and the proofs of a given amount of education. But as this is a question which lies within the category of politics, I shall not dwell upon it; nor stop to enquire in how far this were a good expedient, to save the risk under which it is said that we now lie of vulgarising the Parliament. But I may at least express my satisfaction, that it is an expedient which we ecclesiastics have the full command of; and by which I trust, that, with our academic courses, and our presbyterial tests and examinations, we shall, under every extension of the ecclesiastical franchise, take good care, in all time coming, that the Church shall not be vulgarised.

He who thus reasons on parts and single features of a subject at a time, without ever looking comprehensively at the whole of it, must often be puzzled to account for many of those phenomena, which, in the actual and complicated influences of real life, are constantly taking place before our eyes. The Dean of Faculty who contends that the Veto law is going to degrade and unletter the Church, will be sadly at a loss we imagine, to divine the cause

of so much learning and high authorship among our dissenting ministers, who nevertheless owe their places to the voice of the people. We have great satisfaction in telling him of the Doddridges, and Lardners, and Halls, and Fullers, and Pye Smiths, and Rylands, and Fosters, of England; and equal satisfaction in recounting the names of Brown, and Jamieson, and M'Crie, and Wardlaw, and Ewing, and Frazer, and Symington, in Scotland—whose congregations, we have no doubt, feel a pride and a pleasure in their ministers being thus signalized. And let me here offer a passing homage to that prince of theologians President Edwards of America.—It will perhaps seem an equal paradox in the Dean's eyes—when assured that never than since the passing of the Veto law, has there been a greater attendance in our halls of young men preparing for the ministry, from the more opulent, or, as they are generally termed, the better families of Scotland. The truth is, that, in all his difficulties and fears, there is nothing more obvious than his profound misunderstanding of our common people—who, though not learned themselves, have still a value and respect for learning; and, not themselves polished, feel the charm of ministerial attentions and courtesies to be all the more enhanced—when rendered to them by one, who has the bearing and manners of a gentleman. The Dean anticipates from the present policy of the Church, that it will vulgarise our clergymen. I anticipate the reverse of this—that it will refine and elevate our population.

And here let me advert to a really good specimen, of what may be termed a forensic or controversial dexterity which occurs in page 260—a clever hit—designed to overset or nonplus an antagonist, by the full concession to him of his own principle. The question put by the Dean is, If the people are to reject a minister at the outset, why not have the power at any time of dismissing him—as if, in revenge for our attempt to limit the extreme of an absolute patronage, he would cast us into the opposite extreme of a plebeian an rchy in the Church—saying to us since you must have the will of the people in any degree at all, take your fill of it. This may be clever gladiatorship; but it remains true, notwithstanding, that, for the purposes of practical wisdom, we must to logic add observation; or make a patient and experimental study of those laws and processes, which obtain in the real mechanism of human society. It follows not because patronage without a check is a bad thing, that the popular will without a check must therefore be a good thing. It is rightly held to be essential for the pure administration of

justice, that judges should be independent, or not removable as formerly at the will of the King; and it may be just as essential for the righteous administration of a Church, that clergymen should not be removable at the simple will of a congregation. And now it occurs to me to say, that, whereas patronage and the system of a religious establishment are conceived by many to stand or fall together, there is really no such essential connection between these two elements—for that which constitutes the essence of an Established Church, a national provision for a clergy, consists as well with one modification of patronage as another, and may equally obtain indeed although the initiative were vested in the hearers at large. But it makes a mighty difference to have a lettered and intellectual church, which might both ordain and judge of the qualifications for the ministry of the gospel; and which can fix and elevate the standard of these, on its own sense of where the requisite qualification, ought to be—unmoved by the threats and clamours of the populace. With every conceivable variety in the method of our clerical appointments, the main uses and benefits of a stable church-endowment remain unaltered—both as fitted to secure a universal Christian education for our families, and an independent clergy to preside over it, raised above those temptations to servility and compliance, which might unfit them for their high office as guardians of the truth, as the guides and instructors of the people.

There is a distinct use for each of the parts taken respectively by the Church and the people, in this conjunct operation. The examinations by the Church, secure the learning and orthodoxy of the ministers. The concurrence of the people, secures that acceptableness whereof unction and special fitness are the main ingredients. We confess that having these we object not, rather in fact incline, to a simple initiative—either by the existing patrons, or better if the idea of Dr. M'Gill could be realized, by the magnates of the parish, its elders and landed proprietors. And if the Veto be so very obnoxious, will they in exchange for it give us the good old system back again, which was ratified by Parliament at the revolution under William III; and which, in violation of the Union between the two kingdoms, was wrested from us in the days of his successor, and under the administration of that infidel and unprincipled statesman Lord Bolingbroke? It is that perfidious Act, which has been the source of all our troubles, which drove one third of our people to secession, and gives rise to all our pre-

sent difficulties in the work of restoring them. Will the British Parliament now, redress the great national injustice which was perpetrated by the British Parliament then; and cancel the enormous wrong, at that time inflicted on the Church and the families of Scotland? This would put an extinguisher on all our controversies; and save those endless attempts to mitigate or modify, what in the absolute and despotic form which the Dean of Faculty contends for, is indeed a most hateful law. We cannot expect that the senators of England will have any relish for our ecclesiastical questions, or take any part in them. They will not look to our theology; or listen to the tale of those outrages, which have been inflicted by a high-handed patronage, on the religious sensibilities of our people. Will they look back then on their own history; and restore to us what they will find to have been taken away, in the face of express and solemn ratifications? In a word, will they repeal the Act of Queen Anne on Patronage? It would light up a moral jubilee in our land; and happy harmonized Scotland, again at rest, and having gathered her wanderers into one, would address herself with renewed vigour, to the Extension of that Church which should then have become the object of confidence and affection to all her children.

But to return from this digression: There is one most senseless antipathy in the hearts of our common people, which the Dean is right in denouncing—we mean their sensitive aversion to the reading of sermons from the pulpit. But he mistakes, if he think that this silly affection of theirs is incurable; or that when made to understand the labour and preparation implied by a written discourse, and that the time employed in committing it were far more productively spent by the clergyman in the week-day ministrations of the parish, or at the bed-sides of the sick and the dying—there is not a parochial community in Scotland, that would not feel the force of such a representation, and be ashamed of their own puerility for the school-boy task which they would impose upon their minister. There is a lesson given by Talleyrand, and I should really like if the Dean of Faculty would learn it—That we have nothing to fear from the multitude, if we would but treat them frankly and rationally. There is no absurdity which they could not be reasoned out of, could not even be laughed out of, if we would but address ourselves to the task in good earnest. A minister in his parish is on the highest possible vantage-ground, for obtaining this right and most wholesome ascendancy over them. Let the

substance of his preaching be good, and his delivery be only such as to bespeak the earnestness of a heart actuated by the love of his people, and bent on their salvation—and the minor insignificance of the paper that is lying before him, will not be in all their thoughts. In a word, if the Church would, as the Church should, make head against this and every other prejudice that was either ridiculous or wrong, and which has now a hold over the hearts and imaginations of the people—the Church would prevail. The Dean of Faculty is sometimes aware of the immense influence which the clergy have over the people; but his eyes never seem open to this truth, save when it is an influence put forth for evil—as in his reasonings for example on the dreadful mischiefs of the Veto law, aggravated tenfold by the priestcraft of a church, converting it into an engine for the purposes of their own ambition. Will he not for once allow, that this influence may sometimes be exerted on the side of what is good? Let him rest assured, that this more generous supposition is often, I would say generally, the true one; and that the clergy who are now reviving throughout our pulpits that evangelic truth the light of which was well nigh extinguished in the days of a reckless and unprincipled patronage, will, by the command which they must thereby acquire over the consciences of the people, be able to school them not out of their vices only, but out of their weaknesses and follies. The Dean seems to anticipate a headlong descent into a low wretched drivelling fanaticism. This is really not the direction in which things are moving. Schools are multiplying with churches. The intellectual is keeping pace with the moral. The spirit of the age, too resistless to be stemmed or overborne, will, in the hands of a reforming church, be tempered with Christianity, and have the right aim impressed, as well as the right principle infused into it. Unless the Dean, at the head of those ancients whose notions are as old as their families, and whom he now labours so desperately and with all his might to rally against the majorities of our church—unless he succeed in arresting our progress, we shall take possession of the land; and at length present to our opponents, as the fruit of our victory, and in the benefit of which they will have the principal share, present them with a rational and educated, as well as a religious and withal an orderly population. But if they will follow under the banners of the Dean of Faculty—if the aristocracy of our land will commit themselves to the guidance of a defeated party in Edinburgh, whom the General Assembly has now dethroned from their once hurtful pre-eminence over the counsels and measures of the Church of Scotland—if, more intent on their

own triumph than on the peace and good of our community, they do succeed in alienating from the church of our fathers the great bulk and body of their descendants—Then the alternative has been offered to them and they have made their choice—between a population now loosened from all the holds of this world's authority, and without the fear of God or the prospect of a future world before their eye; and that same population chastened by the power of Christianity, and moulded into a conformity with its lessons and its laws. Heaven forefend that they should be the authors of their own undoing; or that, laying a hand of violence on the fundamental principles of our church, they should, like Samson of old who took hold on the pillars of the fabric, bury themselves in the ruins of its fearful overthrow.

Without attempting to go in detail over all the misstatements and misreasonings of the Dean of Faculty, there is one testing consideration, which, if made to pass in succession over many of his paragraphs scattered up and down throughout the pamphlet, would effectually unmuffle a number of its sophisms. We all understand what it is to take a one-sided view of a case. But I am not aware if it has ever been observed, that he who undertakes the advocacy of two or more cases, and is at the same time disposed to take a one-sided view of each of them, must often make, what, for the want of a better word, we shall call the ambidexterous use of one and the same principle. Let us apply this to two distinct cases, with the management of each of which the Dean has engaged and busied himself in the course of his manifold argumentations. There is first a case between the clergy and the patron. There is secondly a case between the clergy and the people. In his treatment of the first he charges the clergy with the lust of power*—in his treatment of the second, he complains of these same clergy, that they have given away all their power to the people.† Under

* "The love of power now prevalent among them."—p. 10. "A popular clergy pressing on towards their objects—increased influence and power."—p. 22. "The Presbyterian clergy in their present attempts to acquire influence."—p. 29. "Certain progress towards ecclesiastical tyranny." "The rapid strides that the clergy of Scotland are making in their attempt to grasp power and ascendancy."—p. 30. Further assumption of power the real aim of the Church."—p. 35. "Aiming at authority and *practical* power as formidable as any ever claimed by the Church of Rome."—p. 63. "The extension of ecclesiastical power"—"the dominating spirit of churchmen"—"ready to break through all constitutional bonds, to exalt the power of the Church"—"ecclesiastical usurpation and tyranny." p. 161—&c. &c.

† "There is no proposition (in the Veto Act) to give more power or jurisdiction to Presbyteries." "The object is quite different."—p. 124. "A right on the part of the people to reject without either the power of inquiry or control by the Church."—p. 128. "A deference by the Church to the will of the people as

the first head, he tells us how righteously they admitted students of Divinity into the order of Licentiates*—in the second, how unrighteously they will admit parishioners into the order of Communicants.† Under the first or when the Patron had it all to himself, or at least when none but the Patron and the Presbytery had to do with it, he speaks of the wholesome jurisdiction of the Church, and of the good effect which publicity and a sense of character must have on the proceedings of the clergy‡—under the second, or when the people have been admitted to a share of influence, these same clergy become reckless alike of duty and of their own reputation.‖ Under the first, he makes us understand that the clergy were ever on the alert to check the abuse of a wrong appointment by the Patron—under the second, that they have neither the power nor the will to make head against the waywardness of the people. Verily he makes great use of these two-faced ecclesiastics; and so at least as to give a face of plausibility, to either or both of the two distinct cases that he has taken in hand. He can blow hot or cold on them, just as it suits the purpose of his various and contradictory reasonings. These clergy, head strong and impracticable as they have proved themselves in their Church Courts, are, in the mind and argument of the Dean of Faculty, the most malleable of all subjects. They become any thing and every thing in his hands; and with the possession of such pliant materials, or having the full command of an element which he can thus vary at pleasure, he, by means of a ductile and ever-shifting logic,

supreme—an abandonment of the right of the Church to consider the grounds of rejection—and an admission that the Church must acknowledge the *will of their people* to be a matter beyond their province of inquiry and judgment as a church—into the grounds and reasons of which they have no right to enquire."—page 125. "The Presbytery have unhappily no power but to register the Veto." "The hearers do not desire to see the Church (so) despoiled of power and jurisdiction" by the Veto law.

* Somewhere, but not able to recover it, from the total want of order or reference in the work.

† In page 108, he utters the monstrous imagination, that the Church will require an acknowledgment of the Veto act, &c. from all communicants as a requisite to communion.

‡ Subject to the control which publicity always creates, and to the security which will exist, that arbitrary, harsh, or extreme rejection by Church Courts are not likely often to occur."—p. 175.

‖ "In a thousand ways the Presbytery may influence, and as it were wholly direct the result of the appeal to the Veto in regard to an individual against whom no objection lies." "The Veto gives on every occasion the greatest possible temptation to members of Presbytery to interfere." "No one understanding Scotland can doubt that the effect of the Veto will be to place a great and powerful engine at the command of Presbyteries, which will be afterward industriously directed and set in motion by them," &c.—p. 224. &c.

To make out the consistency of these quotations, he must have the postulate conceded to him, that it is not character but a sense of character, not the love of right but the love of reputation, which is the reigning affection of clergymen.

can sport all conclusions alike—and with a show of demonstration, or to the tune of a good argument.

Whatever difficulty there might be in the discussion of the Veto question by itself—that difficulty is aggravated tenfold, when the task is superinduced upon it, of conjoining with the general argument, a special reference to the multiform and widely scattered averments of the pamphlet now before us. To discourse upon the subject might be comparatively easy; but to discourse upon the subject from such a text is not so easy. One might execute a work with comfort, if he were permitted to look directly to the theme in the light of its own merits; and to describe or give forth the judgments of his own mind regarding them. But it is different, when called to look to the theme through the light of another mind than his own; and to make a perpetual correction for what he conceives, to be the distortions and the errors of the medium through which it passes. I desist from the enterprise of such a scrutiny, at once so fatiguing and so useless, through all the windings of that strange *excursus* which the author has taken from the commencement to the end of his work—as might enable me to effect the thorough exploration of it. But, on a fuller survey of the path over which he has travelled, I have made discovery of one topic, and am reminded of certain others, on each of which I must hold a distinct reckoning with the Dean of Faculty—ere I can finally release my readers from the lengthened, and I fear irksome task which I have put into their hands.

The first topic, altogether new to me till after I had advanced a great way in the composition of my reply, is the impeachment which the Dean of Faculty has had the boldness to make, on the integrity of the Assembly's Deputation. I had neglected to mark this part for special animadversion, in my first cursory glance over the whole work; and as my name, so plentifully sprinkled over the rest of the pamphlet, does not once appear among the passages which occur from page 271 to 277—I might easily have imagined, that the matter, treated of throughout that portion of the letter to the Lord Chancellor, was one which I personally at least had not to answer for. It was only on a more thorough and continuous perusal of the whole, which proceeded very gradually, that I became aware of the desperate lengths—to which the spirit of controversy, and zeal for the maintenance of his own objects, had carried the mind and pen of the Dean of Faculty.

I will not say how much I have been shocked and mortified by this painful discovery. The cause is still the same; but the combatant now stands in a new character before me.

This casts another light on certain anterior passages of this pamphlet, in which light if I had then seen them at the time, I should have modified, or rather repressed altogether, certain anterior passages of my own. What I innocently conceived, and indeed called, an historical imagination—or a hypothetical basis on which to rear his adverse reasonings, I can now well understand to be a real and settled conviction, in the breast of one who virtually tells the world of the Assembly's Deputation to London—that, in framing their report to the Commission, he does not believe they have acted in good faith.*

I shall not in reply say one word on the moral fairness of the document; but the Church and the public have a right to know of the care bestowed on the preparation of it—and that for the special purpose of not overstating the favourable assurances of the Government, or of committing them one hair-breadth further than they authorised us.

I was not present myself at either of the two interviews, which the Deputation held last summer with Lord Melbourne. The conversations on the side of the Church were conducted by Dr. Gordon; and from the report given to myself of these conversations by the gentlemen who were present, I was glad to perceive the distinction so clearly kept up in their minds, between what Lord Melbourne merely said, and what he said with the express view of its being reported by us to our constituents in Scotland. This is in perfect harmony with my whole experience of such conversations —held formerly by myself in the Government Offices on the subject of Church Extension. We were never satisfied with merely hearing what a Minister of the Crown had to say; but we felt that our business would not be fulfilled—the commission put into our hands would not be executed—unless we further ascertained what he permitted us to say, when we returned home to our employers. They know that we are there upon a mission—They receive us in that character; and are aware that we must have a something from them to report, when we go back to those who sent us. And accordingly, the question was often put by us in this form, What shall we say on such an especial point, or Might we say that you

* "I may be permitted to doubt if his Lordship had been accurately informed of the state of matters." "The Committee saw clearly what was to be gained by the immediate and premature promulgation." "Did Lord Melbourne anticipate that this use was to be made of what passed? I am persuaded that he did not."—P. 274.

have made this special concession, or Do you authorise us to report in this particular way to the party whose representatives we are? It was in this particular form that we got the assurance from Lord Melbourne, expressed at the first interview and repeated at the second, of his determination to exercise the Government patronage in accordance with the existing law of the Church—the only specific thing to which the Government are committed in that arraigned report, which I was called upon to read to the Commission of the General Assembly.

The members of the Deputation had two several meetings in Edinburgh, previous to the assembling of the Commission—at which the terms of the Report, paragraph by paragraph and sentence by sentence, were most deliberately weighed; and whence every thing was kept out, which we felt ourselves not authorised to lay before the Church. We had the distinct authority of Lord Melbourne, for making the statement we did in regard to his future disposal of the Crown presentations; and if we had not that authority for stating, that he would cause a measure to be prepared by the Lord Advocate, and submitted for consideration to the Cabinet—that statement was not the less true; and was given by us on the ground, that, as it committed the Government to nothing, there was not even the pretence of a plea for passing the least censure on the disclosure of it.

After all, there is a certain grotesque affectation of concealment—a factitious delicacy unknown at head quarters, and only kept up by subordinates and middle-men—first to invest themselves with a sort of mysterious importance; and secondly to overawe the ignorant and simple-minded provincials, whom they want to keep in order. There is in it all the littleness of a provincial imagination. It might make a sensation in Edinburgh; but would be laughed at in London, and indeed is altogether unsuited to the frankness and fearlessness of straightforward Englishmen.

We are told, that, in as far as our Report implied that it would be taken up as a Government measure, it received a most *distinct contradiction* from Lord Melbourne. The only answer which can be given to this is, that the Report implies no such thing. We trust that even the unwary reader will perceive in the construction of these paragraphs, with their imposing apparatus of capitals and italics, that it is all a much ado about nothing; and that the announced contradictions, ushered in with so much circumstance and form, do not bear on any statement of ours—but on a mere fancy of his own, conjured up by one who is labouring hard to under-

mine the reputation of honourable men. I only read one report of the conversation adverted to in the House of Lords; and was struck at the time, with the perfect coincidence between all Lord Melbourne's statements and admissions on the one hand, and our communication to the Church upon the other. What other statement may have been given by Lord Melbourne that was not reported, and what conclusion Lord Brougham drew from it, and what the assent given back again to that conclusion by Lord Melbourne was—I do not know; nor do I know who the informers are, be they Honourable or Right Honourable, on whose authority it is, that this thrust has been made at the Assembly's Deputation, and at the character of those Ministers and Elders who compose it. The whole thing is made to look and to sound formidable enough; but we shall not therefore be driven from our position, and will uphold the perfect integrity and good faith of that document, against the alleged testimony of all the Peerage in the Empire.*

The whole of this unhappy passage is wound up by the following sentence—"*I suspect that Lord Melbourne has been very ill used in the whole of this affair.*"

I am not conversant in those methods or laws, which regulate the intercourse of statesmen; nor have I often, in the course of my life, had access to the elevated platform on which they move. I know not therefore what it portends to the Church of Scotland—when I behold the Premier of England approached from the opposite quarter of the political horizon, in the language first of adulation and then of condolence, because the untainted chivalry of

* Since writing the above I have received the following letter from Dr. Gordon:—

42, St. Cuthbert Street, 8th November, 1839.

My dear Sir,—I have a most distinct recollection of what passed at the last interview which the Deputation of your Committee had with Lord Melbourne on the subject of the Government Patronages. At the first interview, his Lordship had expressed himself in such a way, as to leave no doubt on the mind of any one of the Deputation, that the Government had resolved to exercise the Crown Patronage on the principle of the Non-Intrusion Law. But the Deputation did not report that conversation without Lord Melbourne's express leave. It was stated to his Lordship, at the last interview, that the Commission of the General Assembly was to meet very soon after the return of the Deputation to Scotland, when it was certain that they would be required to give some account of what had taken place in their correspondence with the Government; and in immediate connection with this statement the question was distinctly put, "Will your Lordship authorise us to state to the Commission that the Government Patronage will be exercised in accordance with the existing law of the Church?" To this question Lord Melbourne replied, "Certainly, most certainly, that the Government Patronage will be exercised as it has been since the passing of the Veto Law."—I am, my dear Sir, yours very truly,

ROBERT GORDON.

The Rev. DR. CHALMERS.

their higher region has been desecrated and broken in upon, by an inroad of jesuitism and low cunning from beneath. I cannot divine either the character or the effects of this strange approximation, and act of obeisance, on the part of the inflexible Tory, to the Head of our present liberal administration. Meanwhile as a spectacle it is very curious to behold: and the last and most exquisite touch is given to it by the hand of the Dean of Faculty—when he finishes off by the expression of his deepest sympathy and concern, for the sorely injured Lord Melbourne.

Let me hope, for his own sake, that the Dean of Faculty will yet make avowal of his regret, for these unguarded and most unseemly paragraphs.

We do not hold ourselves responsible for the reply, made by the Church's legal adviser—when Lord Melbourne was charged at the meeting of our Commission, with the countenance given by him to the rebellion of the General Assembly. In order to clear him of this charge, it is not necessary that we should recur to the supposition of his only presenting the man whom the congregation petitions for—so as in effect to reduce the operation of the Veto law to a system of popular election. He has only to do over again what he did, and with so much rightness and propriety, in the case of Lethendy. When the first presentee is returned upon him, the patron does not encourage rebellion by granting a new presentation in favour of a second. He is but conforming to the law of the Church; and that without the transgression of any other law. No doubt, should the second be inducted, there will, by the law as now declared, be a separation of the cure from the benefice. This he may regret as we all do—and that because of the moral injury done to the parish, which loses thereby the peculiar good of an Establishment. But he may, along with the Church at large, regard it as a far greater moral injury to this parish, to have a minister intruded on it against the will of the congregation. In the spirit of a good Christian, he may issue a second presentation; and this without violation of his duties as a good subject. He neither rebels himself by this proceeding, nor does he countenance the rebellion of others. We do not rebel by following our own ecclesiastical procedure in the settlement of ministers, any more than the Associate Synod rebels by following theirs. We may forfeit thereby the civil rights of the office; and, did we resist the sentence of the Court which has so found—that would be rebellion. But there is no rebellion in disregarding the interdict laid by that Court on our

ecclesiastical proceedings. We do not thereby fall short of our duties. It is the other party who have exceeded their powers.

I have often felt in the study of this controversy, as if there were an impregnable wall of separation between the understandings on each side of it. It looks to me, as if there were an organic difference in the minds. It is a great deal more than that they reason differently. The difference appears to be as great as if, in virtue of a different physical construction in their eyes, they saw differently. The difference lies a great deal deeper than in their modes of reasoning. They seem to differ in their first or axiomatic perceptions of things; and this is a difference not to be got the better of by any reasoning. The incommunicableness, of which I complain, is not that the one party cannot convince the other of the truth of their notions. It is that the one cannot make the other even conceive what the notions are. Such is the hopeless character of our difference with the Dean of Faculty. It is not that we ever expected to obtain a lodgment in his mind for the convictions which are in ours—so that he should believe as we do. We do not expect ever to find access into his mind for the *truth* of our proposition; but, more helpless still, we cannot even find access for the *meaning* of it. To speak in the language of Mathematics it is not the demonstration only of the theorem that he will not receive. He does not even receive, so as to apprehend, the enunciation of it.

Nothing more completely demonstrates this, than the ever recurring allusion which he makes to a *blunder* into which I admit that the Church has fallen; and also the only way in which he thinks that consistently, not with his principle but even with my principle, it can prossibly be repaired—proving, that, not only have I not succeeded in gaining him over to my principle; but I have not even succeeded in making myself intelligible as to what that principle really is. But it will be better to present the reader with the whole amount of the quotation, which the Dean of Faculty has made from my printed speech to the last General Assembly —"That was the only principle on which I can vindicate the advice then given; and my only regret now is that it was not taken. I now regret with all my heart that my fears were overruled—by the high legal authority of those, whom I felt to be greatly more competent than myself, for a judgment on the effects of the step which was actually resolved upon. But better late than never. The very measure which I then advised, and which, if consented

to, would have prevented the blunder, I now advise over again, and that for the purpose of repairing it."

Now had he begun the quotation a little sooner, he would have presented enough I fondly imagine for the satisfaction at least of some of *his* readers— as much as I myself think necessary for the satisfaction of all *my* readers—to show that my method of repairing the blunder, must, from the nature of our respective opinions, be wholly different from his method of repairing it. But it will be necessary to premise, that, before I would consent to take charge of the motion of 1833, I wished to have the assurance of the best lawyers—that it did not, on the supposition that the motion was to be carried and passed into an ecclesiastical law—it did not conflict with the civil law so as to land us in a collision, between the rights of the patrons and the rights of the clergy to the temporal emoluments of their livings. In words, which should have been quoted by the Dean, I strongly advised, that—"on that part of the subject we should go to Paliament, and so should we have been saved from the unhappy collision which has now taken place. But let it be distinctly understood, that, when I recommended this, it was not for the purpose of obtaining the sanction of the State in favour of our own great constitutional principle of non-intrusion, for that I hold to be beyond their province—neither for the purpose of superadding the civil to the ecclesiastical sanction, in order to confer a rightful authority on the Veto law, or any other device by which to carry the principle of non-intrusion into effect, for that I hold to be equally beyond their province; but for the purpose of making sure that we did not forfeit that, which it is altogether within the power and province of a government either to give or withhold, the inestimable benefits of a National Establishment—of making sure that we did not dissever the temporalities from the living, a consequence fraught with disaster to the moral and religious interests of the people of Scotland. That was the only principle," &c.

The Church has enacted the Veto law, or enacted a certain qualification tested by that law, as indispensable to all whom it shall ordain to the office of the ministry in a parish or congregation. The civil courts have found this to be an infringement on the rights of patrons. In every former case, when, by any ordination of ours, we did infringe on these rights and legal effects followed—these were altogether confined to the temporalities of the office. Our minister was found to have no claim on the temporalities; and the stipend was dissociated from the cure. This was the effect, and the *whole effect*, of any former finding by the civil courts, of our

having infringed on the rights of patrons; and to this extent we feel that we are bound to acquiesce in the present instance. But, for the first time, there is now an attempt by the civil courts to do more than this—not only to dissociate the temporalities from the office, but to put forth a hand of authority on our ecclesiastical procedure—at one time to put forth an interdict, as they have already done, against our taking steps towards the ordination of one man, whom we judged to have all the requisites for its being conferred upon him; and at another time, as they threaten yet to do, to issue a mandate for our taking steps towards the ordination of another man, although he wants that which the law of our church has determined to be an essential requisite for such an ordination. This is an altogether new aggression by the civil over the ecclesiastical; and the contest now is, not for the Church's Veto-law, but for an object of infinitely surpassing value—the Church's spiritual independence. It was a great blunder to have enacted that law, without making sure beforehand that we were not to forfeit thereby, the good of a national provision for the clergy of those parishes which might be affected by the operation of it: And what I hold to be the best way of repairing the blunder, is, if possible, to make sure of it now by an application to the Legislature. But this is not the way in which the Dean of Faculty would have the blunder to be repaired. To save the forfeiture of the stipend, he is for the Church incurring the far heavier forfeiture of its own rightful independence, by a submission to the civil power in things ecclesiastical. He would have us sell our birthright for a mess of pottage. The mess of pottage is not despised by us; and every principle of ours on the subject of a National Establishment, would lead to any sacrifice short of duty, in order to preserve an endowment for the ministry of the Gospel in all our parishes. We may, or we may not, succeed in our application to the Government. If we do, then we have achieved a reparation of the blunder—if we do not, then it will be a fair question for the Church to entertain, not whether its spiritual independence is to be given up for the sake of the endowment, but whether the Veto law shall be given up for the sake of this important moral benefit to the families of our population. Should occasion ever arise for the entertainment of this question, I trust it will be taken up, not as a question of selfish or political, but as a question of high Christian expediency. If we do consent to part with it, it makes all the greatest conceivable difference in point both of Christian and constitutional principle—a difference as wide as the east is from the west—whether we shall part with it at the

bidding of the civil authority, or part with it by a rescissory act of our own.

I know not if I should have said so much on a matter so extremely obvious. But the blunder has been so often pressed into service by the Dean of Faculty—at one time giving point to a single sentence—at another forming the staple, which gives force and momentum to the discharge of a whole paragraph, and evidently at all times a favourite instrument in his hand, which he likes to wield and do great execution by—That I felt I could not pass it altogether over. I hope the reader sees, that really in point of argumentative effect, whether it be viewed as my blunder or as the Dean's blunderbuss, it is after all but a very harmless affair.

The same is our reply to another charge of the Dean of Faculty, that we did not fall in with the motion of Dr. Muir—seeing that it recognised our objects, and was only a motion for time to consider the best way of providing for them. The grand difference between that motion and mine lies in their preambles, or in that part of a measure which generally stands charged with the principle on which it is made to rest. My motion admitted with the other, that civil rights had been infringed by our Veto; renounced therefore our own civil claims—but, because of their importance to the Christian interests of our population, seeks to recover them by an attempt to obtain a change in the civil law. The other motion again, as it rests on a wholly different principle, points to a very different conclusion—that it is incompetent, without having obtained the previous sanction of the Legislature, for the General Assembly to enforce its own ecclesiastical law. It might not have been expedient, although altogether competent, for the General Assembly to have passed that law; and, so far from being incompetent to enforce, cannot but enforce it till repealed by ourselves, without an Erastian subordination of the ecclesiastical to the civil power. I can understand how such a motion should be dear to the heart of the Dean of Faculty. I am not sure if he would not consent to give us our own measure, if we would but consent to give him the principle of that motion. Whereas I would give up the measure a thousand times over, rather than surrender one iota of the principle. It is in the affirmation by the one and surrender by the other of that principle, that the great difference between the motions lies. For what is ours too—but a motion for time; and for considering in what way the privileges of our National Establishment, and the harmony between Church and State, may remain unimpaired?

But for this difference in the principle, which now has become the main question, the supporters of either motion may have given in to the other; and the Dean just makes us feel anew the exceeding difficulty of getting him to perceive our object—when he expresses his wonder that we should not have merged our motion into that of Dr. Muir. We are as well entitled to wonder, that that motion should ever have been made. But we wonder not. The motions are different in their essence; and the views of ecclesiastical polity upon which they proceed are widely and essentially at variance.

The wonder of the Dean on this subject, is of a piece with the egregious misconception of those in Parliament, who tell us that we shall give you our sanction for the Veto law; but you must first make your submissions on the case of Auchterarder. I hope we shall do no such thing. This would really be selling our birthright for a mess of pottage. The old cry of rebellion may again be lifted here. But there is just as much and as little rebellion, in our refusing to take steps for the ordination of the presentee to that parish, as there would be in an English bishop refusing the mandate of any civil court to confer holy orders on any individual who should claim them.

Altogether akin with the wonder felt by the Dean at my not having fallen in with the motion of Dr. Muir, is the further wonder expressed by him because of the great change which took place in my resolutions on the Veto question—and that in so short a space as eighteen days. But it will be necessary to present a quotation from my printed speech, for the purpose of explaining what this change of resolution was.

"And here in vindication of the place I now occupy, as the mover of the second proposition upon your table, against the allegation that I have changed my ground; and that the position which I now hold, is different from the position I said I would hold, in repeated conversations with my friends since last Assembly upon the subject—conversations which must be fresh in the recollections of some here present, for in a few instances so recent as perhaps a month ago---I then said that I should have no objections, on the event of the sentence of the Court of Session being affirmed in the House of Lords—but further, on the event only of the Veto law being repealed, which law we never can be freed from till it is repealed ecclesiastically: But supposing it thus repealed; and supposing also that we had tried to obtain the civil sanction for the Veto law, or something else in its place, and had failed—I should have had no objections to fall back on the judicial and administrative power of

presbyteries, and to have committed Mr. Young to the Presbytery of Auchterarder, instructing them at the same time to take full and unfettered cognizance of all the circumstances which can affect the ministerial usefulness of that presentee; and to sit, without fear and without partiality, in conscientious judgment on the question, Is it for the Christian good of its families, that this man should be appointed to that parish? And had the result been, that they, the Presbytery of Auchterarder, laid their veto on Mr. Young, my belief up to the last eighteen days was that the second veto would have affected that which the first veto had been found unequal to; and that if carried again to the Court of Session, they would have found, when sitting in judgment on the Presbyterial veto in lieu of the popular veto, they were engaged with an essentially different question from before. That was my ground, and I have not shifted it. I have not changed my ground—the ground has been cut away from me; and there is not one inch left for my feet to stand upon. Here we are in virtue of this decision, and of the principles on which it rests, flung abroad upon a viewless gulph, with no support and no resting place, save a despotic patronage on the one side or a lapse into voluntaryism on the other. There is positively nothing left for us between these two extremes, in the present state of the law, as expounded by the two Chancellors in the House of Lords. And the precise object of my motion is to save us from both these extremes—from a system of patronage on the one hand that will secularize our church and justly alienate the affections of all our people—from that system of Voluntaryism on the other into which, if we once plunge, there will plunge along with us the great mass and majority of our population, into the depths of an irreligion and a vice, from which with but the means and the forces of a voluntary church, we never can recall them."

Now, most strangely in reply to this, and for the purpose of proving that I had no ground for my change of resolution, does he affirm that neither the Lord Chancellor nor Lord Brougham said any thing to limit the power of the Presbytery—although the decision for which they argued and which they obtained went to the taking away of all power from the people. I have only to follow up this unaccountable misstatement of the Dean of Faculty, by one quotation from each of the speeches of the two Chancellors.

First the Dean tells us (page 179) "it does not appear that your Lordship or Lord Brougham ever intended to *define*, (to *decide* of course was out of the question,) what *did* fall under qualification when forming the ground of *judgment* by the Presbytery

on *objections* stated to them; or to exclude any elements for their judicial consideration which specially affected the *qualifications* of the individual. The *mere dislike* of the people,—(groundless, unjust, capricious, it might be, in the opinion of the Presbytery, and yet without the latter having either the right to enquire into it or to disallow it,)—most assuredly you excluded:—For you held that the people were not in law, or by the practice of the Church itself, either *patrons* or *judges*,—that they had no right of nomination or of Veto on the nomination,—that they had no right of judgment. They are to be objectors, but to the Presbytery belongs, properly and exclusively, the power of decision; and when the matter is put as a case for the judgment of the Presbytery, I find nothing in the opinions in question which, when so understood, and not misapplied by taking individual expressions without reference to the subject-matter of discussion, touches even the competency of the Presbytery sitting as a court, or the extent of its jurisdiction as to the subjects on which it is to form and pronounce a judgment,—provided it be a *proper judgment* on the *qualifications* of the individual."—Pages 179, 180.

Now, my opinion that by the argument of both the Chancellors the power of judgment even by the Presbytery was subject to the revisal, and of course the reversal, of the Civil Courts, was grounded on such quotations as the following:—

Lord Brougham says, "But one thing is perfectly clear, that no grounds in reason, which the General Assembly can advance for its right to make the Act of 1834, giving a veto to the congregation, can be conceived to exist, which could not give them precisely as complete a power, and as undeniable a right to give a veto to the Presbytery of the bounds, that is to say, to repeal the Act of Anne, and to revive the Act, long since repealed, of 1576, which alone, and for the first time, assumed the choice to the Presbytery."—Report, p. 32.

And Lord Cottenham says, "If the Presbytery may refuse, not to receive, but to act upon a presentation, because a majority of heads of families dissent, why may they not do so, because a majority do not assent at a meeting held for that purpose—which is election; *or because a majority of the Presbytery do not assent*, —which is in fact, the usurpation attempted in 1596 and 1638? In all these cases the violation and destruction of private civil rights would be effectual."—Page 58.

Before reading these and many similar passages, I conceived that the Presbyterial Veto could accomplish what had been denied to the

popular Veto. After reading them I found, that the Presbyterial was held to be of as little effect against a presentation as the popular, if the Civil Court was appealed to, and chose to overset the judgment of the Presbytery. The Dean of Faculty wonders that I should have changed my resolution in the short space of eighteen days. I should have wondered at myself, if, after the perusal of the speeches of Lords Brougham and Cottenham, I had taken eighteen minutes to make up my mind anew upon the subject.

I am quite aware that it is the judgment only, and not the grounds of the judgment, which is of any operative effect in the matter to which it relates. But the grounds of the judgment, as laid down by these high authorities, were fitted to invite new appeals —should the Presbytery venture to take the Veto on itself, when it had been taken away from the people. In my speech I argued against the exposure of ourselves to this hazard in the following terms: "If we try some other check against intrusion, if we pass from the Veto law and set up something else in its place, recollect we are still as liable to be appealed and sentenced against as ever. We expose ourselves to a series of rebuffs from the Legislature. With every fresh reversal of our successive expedients, we shall incur a fresh descent in the public estimation—till the Government, if indeed hostile, may, after that we have become a despised and degraded thing, inflict with impunity the annihilating blow, when we shall perish by our own deservings, without regret and without sympathy. If we are to fall, let it be in the possession of our uprightness; and so that our church, when abandoned by the powers of this world, may have a sure refuge in that God who never will forsake the families of the faithful."

But more than this—I would have the Church to be aware that the Dean of Faculty is as adverse to the ultimate power of the Church in the matter, as he is to any degree of power being vested in the people. In reasoning on the case of the people against the patron, he tells us that the check on the abuses of Patronage does not lie with the people but with the Church; and in such terms too, as might lead us to imagine that the Church had an uncontrollable power in the matter. But when the other case is before him, that of the Church against the Patron, the Patron is all in all; or at least any power which the Church might put forth, in the first instance, is by him subjected and laid prostrate before the Civil tribunals of the country. Indeed this is abundantly obvious from the last line of the quotation which I have made from him. He tells us of the judgment of the Presbytery being conclusive

against the Patron, provided it be a *proper judgment*, on the *qualifications of the individual.* Or, in plain language, the propriety of this judgment on ministerial qualifications, is at all times a competent question for being transferred from a corrupt church to an immaculate Court of Session. This appears in more places than one. But the extreme difficulty of finding out all the passages relating to any one point, strewn confusedly and distantly over his work, forces me to content myself with the following:—"But if the authority and power of the Church are to be recognised in the way proposed, and *the Presbyteries to be entitled to say who is suitable and who not*, an opening will be afforded for still greater and more general interference."—Page 255.

In another passage, (page 188,) the Dean quotes my representation of the scenes which took place—scences of violence and oppression under the ecclesiastical policy of Dr. Robertson; and speaks of it as if it were a fancy picture. I can only repeat that the account which I gave, is generally known in this country to be neither supposititious nor imaginary—but without dwelling upon the contradictions of his which can only be met, as in the present instance I am entitled clearly and confidently to do, by a simple re-affirmation, let me notice another objection which he makes to it—of "my finding it necessary to go back to what happened eighty or ninety years previously, in order to defend a change introduced in 1834." He forgets how far back he himself finds it necessary to go, in order to support the attack which he makes upon that change—no less than two hundred years back, in order to frighten the people in England, by an intolerance of Episcopacy in the days of Charles I; and again as far back as the Middle Ages, when the power of the clergy was in its zenith; and to save the return of this, he pleads for the re-establishment in our church of such a regime, as that under which it lay, when guided in its deliberations "by Dr. Robertson, Dr. Hill, and Dr. Cook." Truly if an argument is to be reckoned fanciful, in proportion to the distance of that antiquity on which it rests—ours is not so fanciful nor so far-fetched an argument as his own. His spectral imaginations are conjured up like so many bugbears from the depths of a far more dim and distant antiquity; and to realize his fears, there must be a resurrection of the now forgotten things of centuries long passed away—whereas to realize ours, there needs be but one fluctuation of politics, to recal such men and such measures as are familiar to the recollections of the living generation. We well remember it ourselves, when the

dignitaries of that profession to which the Dean of Faculty belongs, sat pre-eminent in the midst of us; and their word gave law to the General Assembly—when, by the multitude and obsequiousness of their followers, they carried every thing before them; and, on the strength of their high-handed majorities, bore down every righteous proposition made by the friends of religion for the Christian good of our land. It was then that Chapels of Ease were systematically rejected—that the cause of missions had the scorn and contumely of the Church laid upon it—that shameless offenders stalked triumphant over the relaxed discipline of the Establishment—that pluralities, year after year, stood their ground against a virtuous opposition, which laboured for half a generation, ere they could achieve their overthrow. But this opposition did at length prevail; and to its prevalence and strength do we owe, in these stormy times of agitation and Voluntaryism, the preservation of the Church of Scotland. We abolished the union of offices,—we are planting schools,—we are multiplying chapels,—we are sending forth Missionaries to distant parts of the world,—we have purified and invigorated the discipline,—we are extending the Church; and, rallying our population around its venerable standard, we are bringing the sectaries again within its pale,—and, last, though not least, we have reformed the patronage; and our Licentiates, instead of a Tutorship in the families of the great as their stepping-stone to preferment, now betake themselves to a Parochial-assistantship, or to a Preaching-station with its correspondent home-walk of Christian usefulness among the families of the surrounding poor, as the likeliest passage to a higher place in their profession, even as it is the best preparation for the duties of their high calling. Many are the most desolate and depraved streets of Edinburgh, and Glasgow, and Paisley and Dundee, and others of our large towns—many are the coal, and fishing, and manufacturing villages, which, in virtue of this new direction given to the labours of our probationers, have been placed under an ecclesiastical agency; and are now in a state of expectancy and desire for the regular ministrations of that gospel, to the lessons and calls of which they lived before in deepest indifference. By an operation twice-blessed, blessing both him who gives and him who takes, do these Licentiates of ours, who formerly would have spent their best years at the tables of the great, and in the labours of a domestic pedagogy under their roofs, now spread themselves in tens, and twenties, and fifties, over the destitute places of our land—at once reforming the habits of the families, and earning for themselves that best and noblest of all scholarship, the wis-

dom of winning souls. And not only is there the visible glow of this great and wholesome reform abroad over the country, or in the outer department of the Church; but in the business of its courts and judicatories, in the General Assembly itself, there is the same great and obvious reformation—so that, instead of the ecclesiastico-political arena which it once was, more at least than half its time is now taken up with the beseeming cares of a great moral institute, devising for the Christian good and the best interests of men both at home and abroad. It is in virtue of all this, that our Church every year is fastening more and more her hold on the affections of the people; and it is this which has saved her in the rude day of trial—when beset, on the one hand, by an unfriendly Government, and on the other, by the hostility and mischief of fierce adversaries among ourselves. But a new danger has arisen to our Church in the prosecution of Auchterarder. Who its secret advisers were, what the machinations by which it was originated, and the influence from Edinburgh which first set and still keeps it a-going—it is impossible to say. Certain it is that there was no call for it, on the ground of any such public interest either to the Church or to the Country, as a true patriot ought to care for. The popular agitation—of which, after all, only a few instances can be gathered to supply the materials of a most exaggerated picture—this agitation was rapidly subsiding. The appointments under the Veto Act have been from the first "pure," and are now "peaceable." The rising talent and piety of our young ecclesiastics are visible to all. The Church has awoke from her lethargy; and never did she address herself with greater vigour and success to the fulfilment of those high functions which belong to her, as an institute for that best of all education—the education of principle among the families of our land. Even the Aristocracy, speaking generally and collectively, rejoiced in the advancement of our wholesome influence over the population. Some of them, it is true, have been enlisted in the quarrel; and the spirit of the combat, of the competition between rival parties, has now got hold of them. Nevertheless our majorities will stand firm. They will never consent to let down our beloved Church, from the high position of usefulness and respect which she now occupies. They utterly repudiate the idea of a regression to the high-handed patronage and policy of other days. The Church, we admit, is in difficulties. She is "perplexed, but not in despair." The yoke of her former bondage she has cast off conclusively, and for ever; and never will she place herself again under the withering regimen of the by-gone

age—either to fulfil the longings, or subserve the wretched partizanship of the Dean of Faculty.

But the Dean proposes for us an alternative, either to give in to him or go out from the Church—the first time, perhaps, that a majority, and a large one too, had the door opened and the way out shown to them, by the champion and representative of that minority whom they themselves had vanquished. Our reply to this civil hint is, that, upon this subject we stand alike opposed to those on our own side who have threatened a Secession; and unmoved by the kind suggestion of the Dean of Faculty. We have not yet forgotten the conduct of those venerable fathers, who abode in the Church, and lifted there the testimony both of their hearts and voices against the grievance of Patronage—who formed a purifying and preserving salt, which kept us from extinction for a century, and at length broke out in our present glorious Reformation. Neither have we yet unlearned a principle, dear to us as the most favourite lesson we ever taught—the worth and might of an Establishment, as an engine of Christian usefulness: Nor shall we abandon our present vantage-ground, till, at the bidding either of a Civil or of an Ecclesiastical tyranny, we are forced to quit our hold. I would ask those brethren, who thus meditate a withdrawment, to remember the saying of good Philip Henry, who, after the ejectment of himself and two thousand of his brethren into the outfield of nonconformity, mourned all his days over the want of parish order; and because, now without the pale of a territorial Establishment, he was driven from that vineyard, where he had been the instrument of a tenfold greater blessing, than afterwards he could possibly render to the families of his surrounding population. There may a conjuncture arise, when the sin of coming not out from among them, might outweigh the sin of schism; but till that happens, let the virtuous remonstrance and the reclaiming testimony of our brethren, be heard within the halls and precincts of our Establishment, rather than from beyond them. So long as conscience can allow—let them not quit their places at the call of their taunting adversaries; nor leave the beloved church of our fathers a useless *residuum*, a mere *caput mortuum* in their hands. A forcible ejectment from our places would put an end to all the difficulties of conscience; and the sin of schism would then be no longer ours. But, meanwhile, we refuse to be bowed down stairs, or walked off from the church of our fathers by the Dean of Faculty. We shall as little understand his hints as he seems to understand our arguments.

Or, to avoid putting it in this form, he will at least forgive us, if we shut our ears against his propositions, as long as he is going to shut his eyes against our pamphlets.* When the ostrich is closed in upon by its enemies, and upon the eve of falling into their hands—it is said to shroud its head in the sand, in the vain imagination, some think, that, when it loses sight of its pursuers, they will lose sight of their victim. Is there any illusion of this sort, in the mind of the Dean of Faculty—now that he has blindfolded himself, and been at pains to tell us of it, against the numerous adversaries who are multiplying around him?† Does he think, that, because he chooses to hide the outer world from himself, he will therefore succeed in hiding himself from the world? His eyes are shut, but all other eyes are open; and the grotesque attitude in which he now stands forth, like the dying bird in the wilderness, will but superadd to the unquenched zeal of his opponents, the obstreperous and profuse merriment of a public who are all looking on.

To speak of the Dean any further then, is tantamount of speaking of the absent; and yet I have two distinct reckonings, which are still undisposed of. In page 289 he tells us of a unanimous vote by the last Commission of Assembly, for a petition against the Government scheme of education; and of myself having strenuously contended, that I would never seek to obtain the favour of the Government for one of our objects, such as the Veto law—by any important surrender of principle connected with another object, such as their scheme of education. Now what is the conclusion, which he has drawn from this exhibition of principle?—the perfect safety wherewith a Conservative ministry, might thwart and overbear a body of men, who are so animated. In the whole history of politics I never read of aught more coldly calculating than this. The return which he proposes that his party should make, for this stern and high integrity I will call it of the ministers of Scotland—is to disregard our wishes upon the one question in which we differ from them; *and that because* they will not therefore lose our good wishes, on the other question in which we are conscientiously at one with them. But perhaps I mistake him; for,

* In a published letter, he has announced that he does not mean to read the full and able reply of Mr. Dunlop—and has further given out I understand that he means to read nothing which might be written against him in this controversy.

† It gives me particular satisfaction to perceive that Dr. Willis of Glasgow is in the press upon this question—one of those most respectable dissenting ministers who have just returned into the bosom of the Church, and who is particularly well qualified to expose the egregious errors of the Dean on more than one of those many subjects into which he has rushed so unadvisedly.

after all, I am not sure whether it is to our conscience that he gives the credit of that vote on education. The thing on which he seems rather to found his computation, is not our character but our sense of character; or the value that we have for our own reputation. On that day I felt proud of the Church of Scotland—that immediately after having recorded, and with grateful feelings, the service which Government did us in a matter where we thought them to be right; we prepared a unanimous yet respectful and temperate remonstrance against the same Government, in a matter where we thought they were wrong. I viewed it as a sublime recognition, by Lord Lyndhurst, of the moral dignity of our Church—when he told the Premier that he had not been able, even by the gift of three hundred patronages, to bribe us into a support of the Government scheme of education. The present Government have found, that, in every question of ecclesiastical polity, we have been very intractable and taken our own way. The same I trust and pray will be the experience of all Governments. In all the great public measures of the few last years—in Church Extension —in scriptural education—in the obligation, which lies on every Protestant Government, to have an entire and unmutilated bible in our national schools—in opposition to Popery; and to the latitudinarianism that would, on the question of an endowment, either give or withhold indiscriminately to all—The Church of Scotland has taken the high road of principle: And, in the face of all the aspersions which have been cast on us both in and out of Parliament, do we still affirm that politics have not been in all our thoughts. This has been the finding of the Whigs; and it will be the finding of the Conservatives. We shall hold no fellowship with those, either on the right or on the left, who know of no other test by which to determine a question, than the low-minded arithmetic which reckons up the loss or the gain by it of ten-pounders. Let the fluctuations of party be what they may, we shall walk in our integrity as heretofore—with the Word of God for our Directory, and the confidence in our hearts that "if our ways please Him He will make even our enemies be at peace with us."

My last my concluding remonstrance with the Dean of Faculty, is on the score of his unpatriotic, his truly unscottish attempt to bring down the Established Church of his own land in the estimation of our sister kingdom; and to excite against us all that he thinks is most sorely and sensitively repugnant, whether in the nationality or the episcopacy of Englishmen. He has ransacked

the whole field of contemplation within our own borders; and, seizing on all the hostile arguments or semblances of argument which he could lay his hand upon, he has composed them into a numerous band of stragglers, having certainly more the appearance of a rabble than of a regiment, on the side and for the maintenance of his own cause. But his deadliest attempt by far, to obtain for himself, in this our strictly internal quarrel, the vengeance and the victory—is when he calls in foreign auxiliaries to his aid; and, with the obvious design of at length superseding all argument, by the overwhelming parliamentary influence wherewith he hopes to overbear us. He tells Lords Brougham and Cottenham, (p. 123) of a matter far too insignificant for them to hear, that I had branded in the General Assembly their reckless disregard for the dearest feelings of my countrymen. They know how to make a generous allowance for what is said in the impetuosity of debate; and they also know that there is generosity enough in the hearts of Scotchmen, to acquit them, as strangers to all our partialities and habits, of any malignant or hostile feeling towards our nation. But there can be no such apology and no extenuation for the Dean of Faculty. By the prosecution of Auchterarder, whether instigated or only encouraged by himself or not, a weapon has been put into his hand, which he now wields with all his might for the destruction of the liberties of the Church of Scotland. So long as he addressed himself to the understandings of Scotchmen who do know, it was a legitimate warfare. But now that he addresses himself to the prejudices and antipathies of Englishmen, who do not and cannot know, it becomes the act of one, who, distrustful of his reasons, yet bent on the extermination of his adversaries, throws aside the armour of persuasion, and would now bring a strength of another kind--the enforcements and the edicts of irresistible power to bear upon us. The Church of Scotland will know how to appreciate the fitness of that man to be the ruler of her ecclesiastical councils, who thus would substitute physical for moral force—who brandishes his threats of imprisonment over the heads of her ministers;* and, telling his party in Parliament that what

* "I suppose by this time the Church perceive that the violation of another interdict is a matter which they had better not embark in."—p. 77. To me there is something most coarsely and revoltingly untasteful in this bravado. It is like the act of an executioner making demonstration with his rope in the eyes of his victim before he fastens it on; or of the gaoler in like manner brandishing his keys in the face of those whom he is dragging to confinement. My only reply to this insulting bravado is—that should he dare to put it into execution he will find that he has completely miscalculated the strength of principle which exists in the bosoms of Scottish Churchmen.

firmness has done before it can do again, (page 285,) would re-establish in the midst of us, that old polity of absolutism and violence which, if he indeed effectuate, will unpeople the Church of her best clergymen, and alienate all the best and worthiest of our families from her tabernacles.

If possible to neutralise the mischief of his appeals to England, I think it right, before I take conclusive leave of the subject, to follow them up by a brief explanation of my own, to the Dignitaries and Ecclesiastics at large of England's venerable church. I shall be glad to make my escape from the region of controversy, to that calmer and more congenial atmosphere which I delight to breathe in—when, holding converse with the ministers of the Gospel, I feel that I am addressing myself to the intelligence and the sympathies of professional men. I had resolved on this termination of my argument, even when I had no other understanding than that the Dean of Faculty was broad awake. I now feel it a strong confirmatory reason, an *argumentum à fortiore*, in behalf of my proposed movement—when made to know, that, in turning to others, I but turn away from him, who, at present in the slumbers of his deep unconsciousness, is beyond the reach of hearing me. It will deliver me all the more effectually from the dark and angry spirit of a polemic, which is at all times undesirable—when I thus know, that, whatever I may henceforth say, it cannot possibly disturb the sweet oblivion which he now enjoys, while reposing from the toils of his great conflict.

But let me confess, that, in one respect, I have felt throughout the utmost heaviness and discomfort, in holding this argument with the Dean of Faculty. Looking to the question chiefly, if not exclusively, with the eye of a jurist, his whole regards appear to be centred on the constitution of the Church—while the great moral and practical design of such an institute, appears to be scarcely, if indeed ever, in all his thoughts. It seems as if the erection of a new place of worship, even though followed up by the revival of Christian habits among hundreds of the surrounding families, living formerly in guilt and dying in darkness—that the whole beauty of such a spectacle would be marred, and transformed into a sort of nuisance or offence in his eyes, if violence were done to his juridical notions, because a wrong ecclesiastical status had been assigned to the new minister; or the rank and privileges had been given to him of a member of Presbytery. I fear, that, if it lay with him he would rather that a remorseless arrest were laid on the glorious progress now making both in Church Union and Church Exten-

sion—than that the tablet of his own mental conceptions, on the subject of a right ecclesiastical polity, were to suffer the slightest derangement thereby. Not, very far from it, that he wants those principles which would lead him to rejoice in the good, and more especially in the augmented religion and virtue, of his fellow men. It is an exemplification, I fear not unfrequent, of that magnifying power, under which professional objects are seen by minds of a strong professional cast. Edinburgh is the great seat both of civil and ecclesiastical law; and the indifference, if not the opposition that we have met with there, is of so very peculiar a character —that, were it not for the awful magnitude of the question, we should feel it to be somewhat entertaining. There is no class perhaps of society, to whom these new and these admitted churches are more obnoxious, or I might say more indigestible, than to certain of our legal practitioners, who have had much to do in the management of ecclesiastical causes. How shall we analyse their dislike of these, to them strange and before unheard-of erections? Is it because they cannot schedule them properly? Is it that they have looked to the Church only through the medium of the Teind Court; and will not recognise them, because they have no place among the papers or in the pigeon-holes of the Register Office? The truth is, they have not looked to the Church as an instrument of Christian usefulness—its proper place of performance being on the outer field of the country; or as an institute, the design of which is to tell with powerful and general effect, on the minds and manners of the living population. And the consequence is, that, unmoved by all we say under the head of Church Extension, about the territorial principle and the superiority of the force of aggression over that of attraction; or by all we say under the head of Church Union, of the energies of the parochial system, by which alone, when sufficiently subdivided, we can recover a people from the degeneracy into which they have fallen—these are to them like the unknown vocables of a strange nomenclature which they do not comprehend: And therefore unmoved by it all, they would cancel one and all of these new and these united churches, as so many unseemly intruders on the scheme or diagram of their habitual contemplations—just as an accountant would cancel any wrong entries from the pages of a ledger.

We have only to say to such and to all, who have never once grappled with the realities of this great question—whether he be a Peer in his lordly hall, or a Lawyer in his writing chamber—that if they will not step forth into the living world, and there engage

with the *ipsa corpora* of the subject—then from that world there is a re-action awaiting them, which, deaf though they have hitherto been to the anticipation of a coming, will give them and that full soon the sense and the experience of a present danger. A people abandoned to irreligion will not remain inactive; but, with the restraints of conscience and the fear of God unfelt, the restraints of human authority will soon be cast away. There is thus at the bottom of our social and political edifice a smouldering fire, which, if not met by the emollients of care and kindness and Christian instruction, will break forth with the might of a volcano, and upheave into fragments the whole system and structure of society. Men have broken loose from all those ancient holds which kept the community together; and there is now a waywardness in almost all spirits, which nothing, nothing, but the education of principle can stem. The elements of a sweeping anarchy are busily at work; and, at the bidding of a God of judgment, is it ready to go forth on its errand of desolation. And should the revolutionary torrent once set in, the parties to whom we have now referred, immovable in the obstinacy of their own prejudices, will yet be driven like chaff before the wind, in the moral hurricane then abroad over the land—the Grandee unseated from his now towering pre-eminence; and the Lawyer finding his munition of points and precedents to be frail as cobweb, in the breath of the popular indignation. It is now in our power, to disarm, and to pacify, and to quell this labouring fermentation. The people are accessible, most hopefully accessible, through the medium of both their gratitude and their conscience. Examples of this are multiplying every day, and, in sufficient number too to warrant the conclusion, that, if churches were enough multiplied, and parishes enough subdivided, and ministers enough active and conscientious—the breath of a new spirit would be infused into the hearts of men, and the fierce and fiery elements which are now at work would soften and give way before the omnipotence of Christian charity.

One word more to the Dean of Faculty ere I take leave of him. No offence given in controversy should be irreparable—excepting when a moral charge is advanced by one party, and by him persisted in or unretracted, while the other feels it to be injurious and wrong. I have complained that in one instance the Dean has allowed such a charge to escape from him; but I have all confidence in his honour, and cannot doubt for a moment, that, when he looks again at the passage in the light of those explanations which have been

made of the circumstances there referred to, that every right and satisfactory acknowledgment will be given. There are other offences which I gladly pass over; and that, among other reasons, because deeply sensible I may stand in need of the same indulgence at his hand. There are some reflections by the Dean of Faculty, not very creditable to the understanding of him who is the object of them; and, more especially, when pleased to represent him as a simpleton, in the hand of politicians more wily and dexterous than himself. These have not been unnoticed, but they have been unfelt by me. Most willingly would I part in the language of peace and good-will, with him the most recent of my combatants,—as willingly as I now lay down my pen, in the fond and earnest hope that this will be the last of my controversies.

To the Dignitaries and Ecclesiastics at large of the Church of England.

Venerable Fathers and Brethren,

1. There is a grievance felt at present in both our Churches, that, whereas in the treatment of all other professional questions, recourse is had and chief reliance placed on the judgment and testimony of professional men—many of our ecclesiastical questions, the right solution of which would require a thorough and most deliberate consideration from those who had made the affairs of the Church the study and business of their whole lives, are yet submitted to the counsels and placed under the determination of men who are not ecclesiastics. Such a question has arisen in our Church; and precipitate judgments of all sorts regarding it are made on the instant, and confidently uttered in every class of society. In particular, a strenuous attempt is now making by certain zealous and hostile partizans, to enlist on their own side, and in opposition to our cause, the mind and influence of the Conservatives of England. To counteract, if possible, the evil of this, is one purpose of the brief explanation which I have now to offer; and which I address to England's Conservatives, through the medium of England's Churchmen. Notwithstanding the difference between our Churches, there is enough of a common principle and a common ground to assure me, that, in what I have to say, I shall have at least the sympathy of your understandings.* What I want is an

* See No. II of the Appendix for a fuller explanation of certain of our peculiarities.

Ecclesiastical hearing for an Ecclesiastical matter—insomuch, that, though we have every reason to rejoice both in the numbers and the intelligence of our Lay friends, I should feel it a more hopeful and congenial employment, to order my cause before an assembly of Episcopalian Clergymen, rather than before an assembly of Presbyterian Laymen. Our question would be infinitely safer in a Convocation than in a Parliament.

2. It is not that I expect your complacency, or your acceptance for any of the *peculiarities* of our Presbyterian Establishment in Scotland. It will be enough for my purpose, that, satisfied with our common Protestantism, you are willing that each of the two Churches should abide in the undisturbed possession of their own distinct governments and forms; and that each should be upheld as the best and readiest engine, for the Christian education of the people in their respective countries. This I believe to be the real practical disposition of the great majority of Ecclesiastics in both kingdoms. There may be Puseyites with you, who conceive that ours is not a true Church of Christ; and there may be some with us (though I never met with them) who can still speak of Prelacy as an unchristian abomination. But the aggregate feeling of each for the other, is, I have no doubt, that not only of perfect toleration, but of positive cordiality and good-will. I am not sure that an individual could be found in either Church, who would join in a crusade for the overthrow of the other; and though not a formal, there is on all hands the practical agreement,—that nothing should be done, at this time of day, to unsettle the established methods, or to subvert the fundamental principles of either. I ask no more. I am not afraid of your indifference, and far less of your hostility, when I make a statement of our case. You will at once perceive that it amounts to a crisis—in which a wrong decision might endanger the cause of religious establishments in general—and while a fatal blow to the liberties of our Church, would be convertible into a precedent and effectual stepping-stone for the overthrow of the liberties of the Church of England.

3. A Bishop would not, at the bidding of a Civil Court, confer ordination. He would receive no order from such a quarter on this subject. The duty of obedience to the law, would not carry him to the length of admitting any one into holy orders, in opposition to his own views of right and duty as an office-bearer in the Church of Christ. It is possible that by his refusal, he might incur the charge of rebellion. He would resist, notwithstanding, any attempted violence on the free exercise of those sacred functions,

which are properly and independently his own. We know not, if, in the indefinite variety of questions that can be conceived to arise amid the endless complexities or occasions of human life and business, there might not happen some unforeseen conjuncture, which law has neither guarded nor provided for; and, in virtue of which, an order might be given that could not be carried into effect without laying this force upon a Bishop, that he must confer ordination upon a certain individual against his own judgment and will. The Bishop, we again say, would not yield obedience to such an order —however much he might lament the semblance which he incurred thereby, of disobedience to the law. It is but a semblance and nothing more. The Bishop is the subject of a Civil Government. Yet by his resistance in this case, he has not fallen short of his duties; it is the law which has exceeded its powers.

4. Now this is the exact predicament into which we are on the eve of falling. Already has the Supreme Civil Court in Scotland, issued an interdict on the ecclesiastical procedure of one of our Church Courts, when taking steps for the ordination of one clergyman—which interdict, on the identical principle that would have actuated an English Bishop, we felt ourselves obliged to disregard. They have further declared it our duty, to take steps for the ordination of another clergyman; and which declarator, though followed up by their mandate, will be no greater stretch of power than has been already made in the former case—just as one of your own Bishops would feel it to be equally an inroad on his legitimate province, did the Civil Court either forbid him to ordain one man, or command him to ordain another. It is true, that, in our case, the interference strikes in—not just at the point which immediately precedes the ordination, but several steps before it. We refuse to take these steps—because we already know, that the person who claims ordination, wants what we hold to be an indispensable requisite to his ordination to the ministry of that parish to which he has been presented; and we refuse to enter on these steps, just as a Bishop would refuse even to examine a man for holy orders, if he already knew, whatever the result of the examinations might be, that the man either had or wanted a something, in virtue of which he was disqualified for the ecclesiastical privilege which he claimed. It makes no difference surely—whether the Civil power interposes at the very moment previous to ordination, or at an anterior point in the series. If it interpose at all along the line of progression—and with the view of so controlling the Ecclesiastical Court, as that the ultimate step of ordination must be taken, there is equal violence

done in either way; and the rebellion now charged on the Church of Scotland, for not yielding to that violence, is the very rebellion which the Church of England in like circumstances would imitate, and cannot but approve.

5. But before I can complete this part of our explanation, there is one peculiarity which must be adverted to. I know not what the technical or appropriated name is in the Church of England, for that act by which a minister is admitted to the charge of his parish. We term it the *induction* of the minister. Now, in your Church, the ordination and the induction are two distinct acts, often separated by an interval of years from each other. With us it is different. The ordination takes place at the moment of the induction. Generally we do not ordain till our Licentiate, as we term him, has received his presentation from the patron of the vacant parish—which presentation he lays before the Presbytery—a Court of clergymen having all the power within its geographical bounds, which the Bishop has in his diocese. If there be nothing to hinder our taking him on trials, he undergoes a series of examinations, at the termination of which, if they prove satisfactory, he is inducted into the parish by the act of ordination—by the laying on of the hands of the Presbytery—done in the midst of solemn prayer by the Moderator; and altogether, with the imposition of its vows, and the accompaniment of exhortations both to the newly constituted minister and to his congregation, felt by all present to be the most solemn and impressive of our Church's services. You will thus perceive, how it is that the ordination comes to be implicated, or rather identified, with the induction of the minister. It is this act which marries him to his parish, or constitutes the spiritual relationship between him and his people. There is nothing surely in the juxtaposition, or in the identity as it may be called, of these two things, the ordination and the induction, which should lessen our reverence for the former, or lay it more open to desecration by the hand of the secular power. Would any of the Prelates in your venerable Hierarchy, look on the act of ordination as a thing less intact and inviolable, by any shortening whatever of the interval between this step in the history of a clergyman and his admission to a parish—or though only separated from each other by a week, or a day, or an hour, or a minute, or even an indivisible moment, an infinitesimal of time? Would not the ordination retain its exclusively sacred and ecclesiastical character notwithstanding; and would not your Bishop still keep hold of it as his prerogative, of which either to confer or to refuse, no power on earth might deprive him?

6. But more than this. Although the ordination and the induction are thus conjoined, or rather identified, by the practice of our church —still they are not only separable in thought, so as that each may be a distinct object of contemplation in itself apart from the other; but they are occasionally separate in reality and in fact. The most frequent instance of this, is in the proposed translation of a clergyman from a first to a second parish. The ordination takes place on his induction to the first, so that his induction to the second stands forth singly and disengaged from the matter of ordination altogether. Now, on every occasion of this sort, the Presbytery exercises an uncontrolled and unquestioned power. Should it hold it better for Christian usefulness, that a man should remain in his first parish, and not remove to the second—it can, and often does, refuse giving effect to the presentation, to the great disappointment, it may be, both of the patron and the presentee. The question is at all times a competent one for the Presbytery to entertain and decide accordingly, Is it for the good of religion, that this man shall be appointed to that parish? A presentation from the rightful patron, is one thing indispensable for a valid induction; but the concurrence of our ecclesiastical courts, is another thing alike indispensable. In other words, we not only hold ourselves to be absolute even as you do in the matter of ordination; but we hold ourselves absolute, as I understand you do not, in the matter of collation also. It is for us to give or to withhold that ordination, which, if given without a presentation, confers a *ministerium vagum*. And it is for us to give or to withhold that collation, which, when given with a presentation, confers a *ministerium speciale*. To confer ordination is, with both churches, a spiritual act. To confer the pastoral relationship with the given parish is, with us, a spiritual act also. No doubt this last cannot be done without a presentation from a patron; but neither can it be done without the consent of the Church, which refuses to admit any presentee, who does not satisfy or approve himself to its judgments and its laws. It will thus be seen, that, by intermeddling with our procedure in the settlement of ministers, a two-fold outrage is inflicted on the constitution of the Church of Scotland. You participate with us in the feeling of an offence, so far as there is an attempt by the civil power to control the ecclesiastical in the matter of ordination. But, over and above this, we have the feeling of a second offence to the fundamental principles of our church, when there is an attempt on the part of the Civil to overbear the Ecclesiastical in the matter of induction. Both these meet in the settlement of our ministers; and so when the secular

arm is lifted up, whether to stay or compel our proceedings, the Church of Scotland sustains thereby a double violence.

7. It will at once occur to you, that such a state of things might lead, at times, to an occasional conflict between the Patron and the Church. And so it has. We have sometimes inducted a minister on a wrong presentation, or on a presentation issued by one, who was afterwards found by our Courts of Law not to be the rightful patron. And it is useful to observe the effect which followed—as marking the respective provinces of the Civil and the Ecclesiastical. The minister did not, in consequence, demit his charge, to which he had been ordained and had collation bestowed on him by the Church.* But he, in some instances, forfeited the stipend. The whole effect, when any followed, was a Civil effect. The Court knew well the line of demarcation between the two provinces; and never, till now, made invasion upon ours. It is now the first time that the Court ever gave a decision against the Church, when the Church either rejected one presentee or inducted another—not under any mistake as to the validity of the presentation, but because of her own judgments or her own laws respecting the presentee. Of course we bow to the authority of this decision, whatever our views may be as to the rightness of it, in regard to all Civil effects—or to such effects as ever did follow, or were ever claimed or looked for, on any former occasion. This we deem to be hardship enough; but it is not our only, not our chief complaint. Over and above the disseveration of the emoluments from the cure, which lies clearly within the power and province of the civil court—there is an attempt, on the part of that court, to intromit with our ecclesiastical procedure. As if it were not enough that we incurred the loss of the temporalities of the parish; and as if this evil alone were not of sufficient influence to restrain our Church, alive to the great moral benefits of an Establishment, from any decision that was wanton or wrong—the Civil court, over and above ordaining what the civil effects are which should follow on our proceedings, are putting forth a hand of authority on the proceedings themselves; and by interdicts already issued, or by mandates now apprehended to be close at hand,

* In the case of Dunse, as reported by Lord Monboddo, the Court while deciding with full authority on the right of the Patron, when called on to forbid the Presbytery from getting another man, declined to interfere, "because that was interfering with the power of ordination, or the internal policy of the Church, with which the Lords thought they had nothing to do." And in the case of Auchtermuchty, the very words of the judgment evince how far, and no farther, the Court felt themselves warranted to go—"That the right to a stipend is a civil right; and therefore that the Court have a power to cognosce and determine upon the legality of the admission of ministers, *ad hunc effectum*, whether the person admitted shall have right to the stipend or not."

are they assuming a power virtually to compel the ordination of whom they will, or forbid the ordination of whom they will not. If ever the case could have occurred in your church, that a presentee to a living could not be inducted into the charge, because of the Bishop's refusal to ordain—and should the Bishop, for the Christian interests of the vacant parish, appoint another to labour in holy things among its families, I presume he would be held as rendering all possible conformity to the law, which denied his man the temporalities of the office, if he made no attempt to seize on them: Nor would he, I presume, be denounced as a rebel—although he declined obedience to any Court in England, which should either require him to ordain the Patron's presentee, or should discharge him from ordaining any other whom he might choose to lay his hands upon.

8. We have been greatly blamed for appearing as a party in an action at law upon this question; and then refusing to give effect to the sentence, pronounced in favour of the other party. The Church did, as moral guardian of the parish of Auchterarder, appeal to the House of Lords from a decision of the Court of Session, which went to deprive that parish of the benefit of a legal provision for the ministry of the Gospel. But, at the very time of ordering this appeal—it set forth a declaration of its principles, in regard to the points which were involved in the question. In this declaration, it made a full acknowledgment of the exclusive jurisdiction of the Civil Courts on the civil rights and emoluments of the Church; and, now that sentence has been given against us, it renounces all claim on these rights and emoluments, in behalf of the ecclesiastic other than the Patron's presentee, whom it may appoint to officiate there in holy things. Farther than this, it cannot go. It can take no order from any civil court upon earth, respecting either the ordination of one man, or the non-ordination of another. Would one of your Bishops take any such order? And if, at the bidding of the secular power, we shall yield up a privilege so sacred and so strictly ecclesiastical, may not this pave the way for a similar degradation of the Church of England?

9. It is to extricate and adjust this unhappy state of matters, that the General Assembly, at its last annual meeting, appointed a Committee to confer, if they saw cause, with the Government upon the subject. There are two ways in which the question might be accommodated. Either the civil sanction might be appended, by an Act of the Legislature, to that recent law of the Church, in regard to the settlement of ministers—which the Civil Courts have found,

by their interpretation of the existing law of the country, to be an infringement of the rights of Patrons. This is one way in which any future collision on this subject might be prevented, between the Civil and the Ecclesiastical. And there is another way. The Legislature might ordain that every patron's presentee who is rejected, solely on the ground of our Veto law, shall be empowered to lift the stipend, notwithstanding our refusal to induct him. No doubt, in every such case, we should be landed in the misfortune of a parish bereft, for the time being, of the good that lies in a legal provision for its minister; and thrown on the resources of the voluntary system for his support. This is unquestionably a great evil; but not so great, a mere bagatelle in our apprehension, when compared with a far more outrageous evil—of the violence and enormity of which we give you no adequate conception, when we tell you that it were greatly worse, than the compulsion of a Bishop, by the strength of the secular arm, to receive a man into holy orders. We must not forego the liberties of a Christian Church, it were greatly too dear a purchase, in exchange for the benefits of an Established Church. The loss of these benefits is doubtless a very serious calamity, and might well lead us to reconsider our own law. This we may or may not do, not however at the bidding of any earthly power, but on the impulse of a great moral and religious consideration—even the consideration of what, in the unlooked-for circumstances of our condition, is now best for the Christian good of the people. The maintenance of a national clergy by the State, if the clergy of a virtuous and scriptural church, is a great blessing; and the power of withdrawing that maintenance, gives the State all the influence which it ought to seek, and undoubtedly all the influence which it ought to possess.

10. It had been well, if, during the interval from the appointment of this Committee to a final adjustment, all hostile proceedings on both sides had been suspended. In this the Church has done its uttermost. The General Assembly of last May, have ordered, that, should any disputed cases occur, they shall not be decided by the inferior courts, but referred to the General Assembly of May next year. But, meanwhile, there has been an incessant annoyance kept up from the opposite quarter. Legal proceedings against the Church are carried on with as great activity as ever—public reprimands administered to our clergy, at the bar of the civil court—threats of imprisonment held out—and every attempt made to malign and misrepresent us as rebels against the law, because, that, while holding the law supreme in its own right-

ful province, we cannot, any more than your own bishops, submit to the orders of the civil court in matters touching the ordination of our ministers. Had any such collision taken place in England —had the Court of King's Bench been landed in some judicial award, which inferred the necessity of subjection on the part of a bishop to the civil power, in a matter which he deemed to be strictly ecclesiastical, I can imagine the regret of patriotic and soundly-conditioned men, both on the side of the Church and of the Law, at such an unforeseen casualty; but along with this, a friendly reference of the whole matter, from these co-ordinate jurisdictions to the Legislature, who, in the same large and righteous spirit, would new-model the law, so as to save a conflict in all time coming, and, at the same time, without offence to the fundamental principles, either of a right government in the State or of a right government in the Church. We are persuaded, that such a matter would have been ordered among you, in a calm spirit, and with a comprehensive regard both to the rights of property and to the rights of conscience---reconciling both---and, more especially, avoiding such an outrage on the Venerable Dignitaries of your Church, as that, at the bidding of any civil tribunal upon earth, they should be compelled, in opposition to their own judgment of his fitness, to confer on any the office of a minister of the Gospel. You would discriminate better, than thus to suffer your Courts of law, to usurp the functions of the priesthood, or to step beyond the threshold of the sanctuary---as King Uzziah did, when he entered the temple with a censer in his hand, to burn incense upon the altar.

11. I have not felt it necessary, in the address I now make, to enter on the merits of that special law, which has called forth an adverse decision from the civil courts. The complaint which we now lay before you, is irrespective altogether of the nature and character of that law. We, at present, are not complaining of the sentence of the court, in regard to any of the purely civil effects which might flow from it. But what we complain of is, the subsequent and superinduced attempt to overbear our proceedings, in the settlement and ordination of ministers. A bishop would not feel himself called upon to vindicate the special ground, on which he withholds ordination; and neither are we called upon to vindicate the law, on which we refuse, in certain specific circumstances, to reject the patron's presentee. This had been amply vindicated within the Church—first by a minority, which, on the strength and efficacy of the arguments they employed, became the majority; and so have carried this matter of internal regulation.

There is a power *ab extra*, which might, because of this regulation, take away the emoluments from the office of the clergyman—in every parish to which it has been applied, so as to set aside the patron's presentee. But what we contend for is, that no power should be put forth *ab extra*, either for compelling us to abolish the regulation, or for imposing a new regulation in its place. Let not the two things be complicated together, which they have been most industriously doing with us—and that, for the purpose of stripping the Church of Scotland of those privileges which belong alike to both Churches, as self-acting and self-regulating corporations. On this matter, we do expect an entire community of principle betwixt us. But we can expect no such community of principle, on the merits of the Veto law—totally unlike to aught that is known within the limits of your Establishment; but certainly not more unlike than the respective constitutions of the two Churches. Even the most zealous and determined of our opponents has told you, that every presentation by a patron must be submitted to the people, when they are invited to signify their concurrence therewith. There is not the shadow of a resemblance to this in your practice; and this, of itself, might satisfy you of a fundamental difference—which, if tolerated in itself, should also be tolerated in all the consequences which flow from it. All we claim from you, as we have already said, is that you shall not unsettle the first principles of either Church—principles coeval with their formation, and which, handed down from age to age, have never been extinguished, although the administrators of the Church have been sometimes more and sometimes less, alive to the value of them. A great and recognised principle in the Church of Scotland is, that no minister shall be intruded into a parish contrary to the will of the congregation. Even good Bishop Leighton, during the period of the Episcopacy in Scotland, deferred so far to this our Scottish peculiarity, as to call for the concurrence of the people, ere he would give effect to his own presentations. And from the Restoration of the Presbytery in 1688, this concurrence is always sought for, previous to the settlement of a minister in a parish. Now the object of the Veto law, is to give some effect and significancy to this step of our ecclesiastical procedure; and that it might no longer continue that empty and unmeaning form, into which it had for some time been allowed to degenerate. And, without entering into a detailed explanation of this law, it is well known to all among ourselves, that it has been framed with the special design of making the least possible infringement on the power and will of the patron. And accord-

ingly, in effect, there have been only ten vetoes for about a hundred and sixty appointments---of which five took place during the first year from the passing of the law; and now there does not occur more than one in a twelve-month. The law is working quietly at length; and it has been working most beneficially, for the moral and religious interests of the people in this part of the island. The appointments were never purer. The Church was never better served, or placed in a more serviceable condition for the great end of a general Christian education. It is proving a powerful instrument —by which to reclaim Dissenters, and bring them again within the limits of the Church. A whole denomination of Sectarians has in consequence united with us. The truth is that it was the system of an absoute and despotic patronage, which alienated from our Establishment, about one third of the families of our land. They are returning to us monthly, and weekly, and very often in whole congregations. We do not say that this would be a specific of unfailing efficacy in England, for harmonising the religious differences which obtain in your country. But we do say, that the great moral interests, both of Church Union and Church Extension, are speeding forward with us---and that under a regime, which the enemies of both these interests are now labouring with all their might to abolish. And we again appeal to the justice and the intelligence of Englishmen, whether it be consistent with sound principle or sound patriotism, that, in virtue of the misrepresentations of our adversaries, and to fulfil their views---either the hand of violence should be put forth on the rightful power of our Ecclesiastical judicatories; or an arrest be laid on the prosperity of those operations, which, under their sanction, have been so happily and so hopefully set a-going?

12. The attempt is making to prejudice the minds of Englishmen with the idea, that the Church of Scotland, participating in the wayward spirit of the age, have embarked in a reckless career of innovation. Let me assure you, my friends, of the grossness of this misrepresentation. At that very meeting of the Assembly's Commission, where, by an overwhelming majority of at least four for one, we instructed the Presbytery of Auchterarder to abide by our ecclesiastical procedure, and that notwithstanding any mandates or interdicts which might be laid upon them by the Civil Courts—we sent a unanimous petition to Government against their scheme of education. In all the great questions which affected the vital interests of Protestantism, we have made common cause with yourselves. On the spoliation of the Irish Establishment; on the

topic of an entire and unmutilated Bible in every National School; on the control and guardianship of the Church over our seminaries of learning; on the vast importance to the best interests of Society, of maintaining or rather extending the ecclesiastical endowments of other days—on these, and all other kindred objects, we have fought side by side with the Churchmen and Conservatives of England: And it is not from the love of change, but for the objects of stability and conservation, that we have given practical effect to our good old constitutional principle of Non-intrusion—thereby removing a blot and a mockery from the system of our Church; and, with the exception of the violent partizans whom we have defeated and overthrown, have we seated the Church of our fathers more firmly than ever, on the affections of the great bulk and body of our people.* Should the Conservatives come into power, it will be interesting to know what sort of entertainment they will give to our question, and how they shall dispose of it. Certain it is, that the ultra Conservatives among us are, unconscious to themselves, pulling at the same rope with Radicals and Voluntaries; and, if not with the intention, at least, in tendency and effect, for the overthrow of the Church of Scotland. We should then see what a Conservative ministry would do. If misled by partizans in this country, or in ignorance of the rooted principles and feelings of our nation, they attempt a blow at the spiritual independence of our Church---the time cannot be far distant, when the cause of Religious Establishments shall be abandoned, as having a taint and leprosy of evil essentially and incurably adhering to them.

13. It was a noble thing in pleading the cause of Establishments to say, that the Church, on entering into connection with the State, gave up nothing but her services—while it retained her doctrine and her discipline, and her articles of faith, and her modes of government and worship, as all her own. The Government gives a maintenance for our clergy; and we, in return, give to the subjects of Government a universal Christian education---but no other than the lessons of our own Christianity, pure from Scripture, and subject to no vitiating influence from an authority external to the Church. It is our part, in the oversight we have of our ecclesiastics, to take cognizance of the subject-matter of their ministrations among the

* It might further be stated, in proof of there being really a principle and a measure in our policy, that the same Assembly, the members whereof amount to upwards of three hundred, which voted for an adherence to the Veto notwithstanding the adverse decisions of the Civil Courts, by a majority of fifty—proved by a subsequent division on another question, that the *extreme gauche*, or advocates for the total abolition of Patronage, composed on that occasion a little band of only forty individuals.

people---and to us belong, both as our duty and our prerogative, the regulation of all the circumstances, and the requirement of all the conditions, which we hold to be best for giving effect to their labours. It is for the sake of a more pure and efficient ministration in our parishes, that from time to time we have ordained additional qualifications for our clergymen, and so far imposed a limit and a modification on the exercise of Patronage. The last of these qualifications was ordained by us in the shape of a Non-intrusion law; and for the first time have the Civil Courts attempted to overbear us, in the act of giving effect to our own purely ecclesiastical ordinances. Should the Legislature sanction this attempt---then the best prop, or the best plea, for the cause of Religious Establishments will be taken away from us—the alliance between the Altar and the Throne, thenceforward an unholy alliance, will be incapable of vindication—and those enemies of our Christian institutions, who are now most anxiously looking on, after having the objects which their hearts are most set upon fulfilled by men who are politically at antipodes with themselves, will have them to thank for the consummation of their triumph.

In Scripture a Church is sometimes represented by the figure of a candlestick. It is my earnest prayer that neither of the two churches—neither the Church of England nor the Church of Scotland, shall have the experience of that awful threatening, the removal of the candlestick out of its place. Even though this were to happen, the candles might not therefore be extinct---but, were the material apparatus of either establishment taken down, they could not be so placed or distributed as to give light to all the population. Our candlesticks differ in form; but, with our theology taken from Scripture and in Articles of Faith which substantially agree, our lights are the same; nor with all my partiality for the tabernacles of my fathers, can I lift my contemplation to the lights and the glories of the Church of England, without the deep feeling of an equal interest in the well-being and stability of both.

I am,

Venerated Fathers and brethren,

Yours in the bonds of our common Christianity,

THOMAS CHALMERS.

APPENDIX.

I.

TRACT ON THE INTRUSION OF MINISTERS.

Notwithstanding the hard names which are annexed to our proceedings, I must utterly disclaim the imputation of being either the abettor or the head of any rebellion because of them. To take an analogous instance. The Court of Session have recently found, that the heritors of every parish have a right to appropriate the ordinary Sabbath collections taken at the doors of our unendowed churches. Did we continue to hold these collections, and seize upon them for ourselves, and resist, perhaps with the help of a multitude upon our side, every attempt, on the part of those to whom they legally belong, to wrest them from our grasp; this would be rebellion. But this we have not done; and yet, in the only instance where I know that the right has been insisted on, the whole value of it has been nullified to the heritors. The collection has simply been discontinued; and the money which wont to be raised in that way, is raised in another, by domiciliary visits, or a weekly round among the houses of the contributors. The plate is no longer set up, and the elders no longer stand at it. I have not heard of any order from the Civil Court on the Kirk-Session, to restore the plate, and go on with their accustomed rotation. But if, for the purpose of making good their own declaration as to the right of the heritors, such a mandate were to come from them, and that mandate to be withstood, I should expect hard names in consequence,—rebellion, and contumacy, and resistance to the law of the land. It were, no doubt, a most unseemly collision, arising from a grievous error somewhere,—whether of overstepping, on the one side, or of refractory opposition on the other; and yet, unequal as the contest may seem, and immeasurable the disparity, between the Court of Session, the highest judicial body in the country, and the Kirk-Session, the humblest ecclesiastical body in the Church, let but evenhanded justice step in between them, and it would pronounce of the said error, that it lay not with the party who resisted the order, but with the party by whom it was given.

I quote this instance all the more readily, because of the immediate cognizance which we of the Church Extension Committee have been led to take of it. And, without the consciousness of one rebellious feeling, we are doing all we can to arrest the execution of this law, in which, if we do not succeed, our next attempt will be not to obey the law, but to extinguish it. We shall, in the first instance, appeal from this sentence of the Court of Session,—there is surely no rebellion here, and no room whatever for the imputation of it. But if we cannot reverse the sentence, we shall then, with the full bent of those who feel themselves embarked on a war of extermination, do all we can for the cancelment or destruction of that hateful and pernicious law, under which the sentence has been given. If the highest judicial court can give us no help in this, our next resort will be to the Legislature; and is there any rebellion yet? The truth is, diametrically the opposite of rebellion, we are conscious of no other impulse, than such as every one must feel who is alive to the considerations of the highest, the most conservative philanthropy and patriotism. We have no hostile feeling to the heritors; we want, in truth, to save them from themselves—for if this law be enforced, the people will cease their free-will offerings; the good old habit of church-door collections will be done away, and the country be overrun with the compulsory pauperism of England. We have no hostile feeling, but the contrary, to the cause of order and good government,—for if this law be enforced, we shall be able to extend our Church no further,—that

only preventive stay to the growing irreligion of our families; and so to that coming anarchy which, if not anticipated by a Christian education, will sooner or later burst forth upon our land. We have no hostile feeling to the security and peace of our establishment—for, again, if this law be enforced, it will both prove a bounty upon Dissent, and a barrier in the way of dissenters reuniting with us. With such mighty objects in view as Church Extension, and Church Union, and the averting of pauperism, that pestilential visitant, from our borders, or, in other words, with such elements of a nation's well-being at stake, as the religion and the peace, and the economic comfort and independence of our people, we shall not be deterred by the senseless cry of rebellion, from the prosecution of these high moral interests; and if, in conflict with these, a law has been recently discovered, and from among the rubbish of old and forgotten precedents, has been let loose upon society—we act not as rebels, but as patriots, when we try to scotch this threatening mischief, or to expunge this nuisance from the Statute-Book.

As much and as little of rebellion as there is in these doings of the Church Extension Committee, so much and so little of it is there in the present movement and present attitude of the Church at large. The parallel holds exactly. There is not one scintilla of rebellion in either. There would be in the one case, should the Kirk-Session of Brechin appoint one of their members to hold the wonted Sabbath collections, and then seize on the produce of them; and, in defiance to the call of the heritors, backed by the legal mandate of the Civil Court, should they, strong in the physical force of a surrounding multitude, resist every attempt of wresting it out of their hands. And there would be rebellion in the other case, should the Church not only ordain one of her licentiates for the wonted Sabbath services of the parish of Auchterarder; but—could we conceive a tithe-riot, with a reverse object to those of Ireland—did she raise up a band of mutineers in the surrounding neighbourhood, to lay their hands on the *ipsa corpora* of the stipend, and, in despite of the claims of the patron or his presentee, carry it in triumph to the door of her own appointed clergyman. It requires an effort of imagination to conceive ought so extravagant,—yes, but it is not more extravagant than this very charge of rebellion,—not more outrageously absurd than this accusation against the Church, which has been ringing for months, I understand, through many of the companies in Edinburgh. It is not in the spirit of rebels that we are now attempting, first, through the medium of the Law Courts, and should that fail, then through the medium of Parliament, to stay the mischief which will follow, if the collections of our new churches, which stand in place of an endowment, shall be dissevered from the support of their ministers,—for then both the extension of the means of grace must come to a dead stand, and a cruel discouragement be laid on the reunion of dissenters. And just as little are we to be stigmatised as rebels, because, by the same peaceful and constitutional methods, we are endeavouring to stay the mischief of these identical evils which will infallibly ensue on either the one or the other of those alternatives taking effect, which now hang over us,—whether the disseveration of the endowment from the old churches, or the Erastian subserviency of the Church to the civil power. Either were the infliction of a death-blow, both on Church Extension, and Church Union,—and to avert this great moral calamity, are we, instead of flying in the face of constituted authorities, in friendly converse with the great parent authority of the State, and that for the purpose of devising the means by which the purity of a Christian and the privileges of an Established Church may both be preserved to us.

But the most specific thing, and that which most readily of all others excites the charge of rebellion, is now brought under our notice by this reference from the Presbytery of Auchterarder. The Court of Session have declared our not taking the presentee to that parish upon trials to be unlawful, a declarator which may, at any time, be followed up by a positive order, and which order our principles will compel us to disregard. There is here a semblance of rebellion which imposes upon many, who, in contravention to the injunction of our Saviour, "judge according to the appearance, but judge not righteous judgment." The very semblance of rebellion is painful; and every lover of his country, in those times of turbulence and disorganization, must wish, from the bottom of his heart, that the public had been spared the exhibition of it. The General Assembly have done their uttermost to save the possibility of any conflict, while their general attempts for an adjustment are going on. They have resolved to suspend every new case of a veto which might occur till the next General Assembly. It is a matter of extreme re-

gret, that this has not been met in a kindred spirit by the other party; that the time which we have thus prescribed to ourselves, has not been imitated or acted upon by them also; that our season of intermediate peace, has been their season of sustained and aggressive war, with no intermission on the side of the pursuers, who seem resolved, and with all possible speed, as if knowing that the time was short, to implicate our Church, if not in the reality, which they will never do, at least in the show, of a rebellion. Our comfort, amid all the discredit which enemies attempt to fasten upon us, is, that it is but a show. We cannot do otherwise than we are doing. We have no other choice, unless we can make up our minds and succumb to a worse Erastianism than has ever been charged on the Church of England. We have acquitted ourselves of all that we owe to the civil authority on this question—when we quit the civil rights of the office, the emoluments which attach to the living of Auchterarder. But you tell us, that, unless we further lend a hand to the concern in the way that the Court of Session wants, they will not be able to accomplish their object, which is to secure these emoluments for Mr. Young. This we cannot help. If that was the object of the State, in entering on that alliance with the Church, in virtue of which we have become a National Establishment; if it was to create a number of lucrative offices for the civil benefit of patrons and their dependants—if that was their object, all we can say is, it was never ours. It was not for the upholding of such a system that ever we consented to give in return either our services or our servants, which, as being both ecclesiastical, are both under our ecclesiastical authority and control. If such be the state of their law, that they cannot make out their design in having an establishment, without a concurrence on our part, which we cannot give but by a violation of our law—then their remedy for this is not to force our concurrence, but to go and mend the imperfections of their own law. Let them obtain at the hands of the Legislature, if they can, an enactment, that every presentee, though vetoed by the people, and rejected, in consequence, by us, shall, nevertheless, have a right to the stipend, and then the two parties will be quit of each other. Do not encroach upon our Christian liberties for the purpose of helping the defects of your own law, but, go and get that law purged of its defects by the Legislature; and then, on this point at least, there will be no collision between the Civil and the Ecclesiastical. When we entered into connection with the State, in return for their maintenance of our clergy, we agreed to give up our services, but not our liberties. We never consented to make over the liberties of a Christian in return for the temporalities of an Established Church; and, if their understanding was different, and they now find themselves mistaken, the most, I will not say that they *can* do, but the most that they *ought* to do, is to withdraw the temporalities. Let them stop at this point, and we simply cease to be an Established Church; but, if they will not stop here,—if they will do more than this, then do we not only cease to be an Established, we become a persecuted Church. And this rubicon, we fear, is on the eve of being passed. This war of intolerance is well-nigh begun. With the interdicts, and the orders, and the enormous law charges, subjecting the ministers of the Gospel to the loss of goods, and the obloquy of public rebukes, and, finally, the threats of imprisonment, there is now the same call upon our firmness as if the Persecution had actually commenced, and the Church of Scotland was now suffering violence.

The obvious and right way of saving these unseemly conflicts on the judicial arena, is for each of the parties to draw up this question to the higher arena of the Legislature. This is what we, on our part, are now doing. By our *ideal* of a Church, it is a Christian institute, under the guidance of an ecclesiastical body, whose business it is to administer its affairs for the moral and Christian good of the people. The Judicial Courts have found that, in the exercise of this our duty, we have passed an ordinance which may trench on the rights of patrons, inasmuch as it may exclude from the emoluments of the ministerial office certain presentees whom they might appoint; but whom we, in virtue of this ordinance, might reject. We are now at the work of attempting to prevail on the Legislature to secure the stipend for him whom *we* hold should be the minister, and are willing to ordain as such,—that is, for the qualified licentiate who is presented by the patron, and not vetoed by the people; which, if done, will save all future collisions upon this question. Now let our opponents imitate this example. Let them carry up to London their *ideal* of a Church, as being a congeries of lucrative offices, the power of appointing to which is a valuable civil and patrimonial right in the hands of patrons;

and let them prevail, if they can, on the Legislature to secure the stipend for him whom *they* hold should be the minister,—that is, for the otherwise qualified licentiate who is presented by the patron, though vetoed by the people, notwithstanding our refusal to ordain him, and, in this way too, a collision will be prevented,—any substantial pretext for the prosecutions which now lie upon us, being thereby done away.

I cannot imagine why this should be refused to us. Are there any on either side of this question, who would prefer that the Church and the State should remain in a state of entanglement, rather than that they should be cleared of all hostile interference with each other? Are they unwilling to relinquish the hold of the civil over the ecclesiastical; and even though the very injury of which they complain might thus be provided against, would they rather like to keep by the grasp which they now have, and refuse to let it go? If there can be possibly any such, it were too plain that what they want is not justice, but domination—to gratify perhaps their taste for management, or worse than all, perhaps their distaste for that theology which is dear to the people of our land, and which, ere the blight of a corrupt patronage had descended on our Church, reigned universally in Scotland,—gladdening the hearts and the homes of all our peasantry, the mighty instrument under heaven to which we are indebted for the place we once held, and may yet recover, as the most moral and intellectual nation in Christendom.

This is far the most serious aspect in the present attempt to subjugate the Church, and to vex and annoy its ministers. It is not the individual question of patronage which alone concerns us. Those who differ most widely from ourselves in this, ought to join forces, and resist the beginnings of a system absolutely ruinous to the Christian character and usefulness of the Establishment, which, more than any thing else, would subject us to the triumph of Voluntaries; and, what is worse, to the contempt of the general public,—that sure precursor to the overthrow of the Church of Scotland. We must not take our order from the Civil Court in things ecclesiastical, else where will it end? An eminent lawyer has recently given forth, that every man who subscribes our articles, and has a fair moral character, has a right of admission to the communion-table. Let the Civil Court act upon this, (and where lies the difference between an order from that quarter to admit a man to be a *partaker* of ordinances, and the order to admit a man to be a *dispenser* of these ordinances)—and every spiritual qualification on which we now insist, is utterly put to scorn. Christianity sinks down to a civil and an earthly standard. The whole institute is vitiated and secularized. Not the patrimonial interest of the Church alone, but its very theology will be at the beck of legal functionaries. And what in the hands of our venerable forefathers was a pure Church of Christ, one of the most illustrious daughters of the Reformation will, trodden under foot of the Gentiles, become part and parcel of the kingdoms of this world.

II.

The following Extract, with some slight changes, from my printed Speech to the last General Assembly, will perhaps make my address to the Church of England, more intelligible to those not conversant with the usages and forms of our Church.

Let me give some idea to the Assembly of the extent of that degradation and helplessness, which, if we do submit to this decision of the House of Lords, have been actually and already inflicted upon us—a degradation to which the Church of England, professing the king to be their head, never would submit; and to which the Church of Scotland, professing the Lord Jesus Christ to be their Head, never can. You know that by the practice of our Church, the induction and the ordination go together. We regard both as spiritual acts; but by the practice of the Church of England, the two are separated in point of time from each other, and as they look only upon the ordination as spiritual, this lays them open to such civil mandates and civil interdicts, as we have never been accustomed to receive in the

questions which arise on the subject of induction into parishes. But ask any English ecclesiastic, whether the Bishop would receive an order from any civil court whatever on the matter of ordination; and the instant the universal reply is that he would not. In other words we should be degraded far beneath the level of the sister Church, if we remain in connection with the State, and submit to this new ordinance, or if you will, to this new interpretation of their old ordinances. I hold in my hands a book entitled a History of the Romish and English Hierarchies, by James Abbott, B. B. of Queen's College, Cambridge. He was refused ordination by the bishop of Norwich, and afterwards by the archbishop of Canterbury to whom he carried his case by appeal. Upon this he addressed a letter to the king as head of the Church, dated Bracondale House, Norwich, November 27th, 1830. Of this letter, in which he details the circumstances of his case, the following is the concluding paragraph—"I, therefore, earnestly invoke your Majesty, as head of the Church and father of your people, graciously to consider my prayer, to remove this hindrance to my obtaining episcopal ordination; in order that your Majesty's Royal prerogative may secure to me the privileges and rights of a denizen and of a British graduate." The following is Lord Melbourne's reply, written by his Secretary:

"Whitehall, 29th December, 1830.

"Sir,—I am directed by Lord Melbourne to acknowledge the receipt of your letter of the 27th instant, and to inform you that his Lordship cannot advise the King to give any command for controlling the judgment of a bishop on the subject of ordination to holy orders.

"I am Sir, your obedient humble Servant,
"S. M. Phillips.

"James Abbott, Esq.
"Bracondale House, Norwich."

To what position then are we brought if we give in to the opposite motion, and proceed in consequence to the ordination of Mr. Young? To such a position as the Bishops of England with all the Erastianism which has been charged, and to a great degree I think justly charged upon that establishment, never, never would consent to occupy. Many of them would go to the prison and the death rather than submit to such an invasion on the functions of the sacred office. We read of an old imprisonment of Bishops, which led to the greatest and most glorious political emancipation, that ever took place in the history of England. Let us not be mistaken. Should the emancipation of our church require it, there is the same strength of high and holy determination in this our land. There are materials here too for upholding the contest between principle and power; and enough of the blood and spirit of the olden time, for sustaining that holy warfare, where, as in former days, the inflictions of the one party were met with a patience and determination invincible in the sufferings of the other.

It seems an appropriate sequel to these remarks, that I present you with the following extract from a speech of the Bishop of Exeter, in the Church Discipline Bill, delivered in July 26, 1838; and which proves how far, if we do not take care, the Church of Scotland is in danger of plunging into a much lower depth of Erastianism than that into which the Bishops of England would ever consent to follow us.

The Right Reverend Prelate then referred to the antiquity of Bishops' courts in this country and expatiated upon their powers. The court was one which could not be extinguished by law. If the Bill should receive the sanction of the Legislature, which he trusted it would not, he felt bound to say that he should not feel at liberty to obey the many injunctions of it. The Bill shook the discipline of the Church; and he felt that he should be a traitor to that church if he obeyed it. If a clerk were contumacious and did not obey his injunctions, he (the Bishop) should proceed to excommunicate that person; and on doing so their Lordships might pass a bill of pains and penalties against him if they pleased, their Lordships might strip him of his See, they might deprive him of his robes as a Bishop; but they never could strip him of his integrity, or despoil him of his attachment to that church of which it was his pride to be a Bishop."

After this shall we be deterred from keeping to our principles, by any charge of rebellion, which the enemies of our cause might choose to cast upon us?

But let me here direct your attention to what is said by Lord Brougham on the

subject of our Scottish peculiarity, in virtue of which it is that both induction and ordination are blended together into one and the same act:—

"It is now fit that I should advert to one topic which certainly, at first, did seem to impose some difficulty upon those who maintained the judgment of the court below. There is a great difference, it was said, betwen the location or admission of a minister in Scotland, and the admission of a clerk by the ordinary in England, inasmuch as, in England, the person having the advowson presents his clerk, a person already ordained, to the Bishop; whereas in Scotland, the presentee is ordained and inducted *unico contextu* by the Presbytery,—that Presbytery being beyond all doubt the only judge of ordination, with which the Municipal Court has no right whatever to interfere: Ordination, it was said, is, then, mixed up with the induction, and cannot be severed from it. But, in the first place, we must look to the case before us: The severance here, at least, is complete: the Presbytery do not refuse to ordain; nothing of the kind: They do not say he is not qualified; there is no objection whatever to ordain him; but they say, 'Though we have no objection to ordain him, we do not choose to induct him into the parish of Auchterarder, because the people dissent from receiving him, and this is our only reason.'—I think that is a sufficient answer to this objection, and I believe I threw it out in the course of the argument.

"But there is another answer. If a person, being a probationer, is brought before the Presbytery for induction into a benefice, he is then ordained as well as inducted, that being the first benefice to which he is appointed. But whatever argument, and whatever law applies to the case of the first benefice, in respect of the present controversy, must be equally applicable to the second benefice, that is to the case of transportation, as it is called, from one benefice to another. Now, in this case of transportation to a second benefice, the argument is sifted entirely from the difficulty with which it is sought to be mixed up as to the first benefice, because the first benefice is accompanied with ordination, and the second benefice is accompanied with no ordination at all; the presentee is already *e clero Domini*—already ordained—and therefore the only question, in the second instance, that can arise is with respect to inducting him into the parish of A, whereas formerly he was settled in the parish of B. Consequently in this instance the Presbytery can never say, we refuse to ordain him, (which is of ecclesiastical, not of civil congizance) because he has been already ordained; and the only question is, Shall he be inducted into the parish of B, having already been settled in the parish of A, and that question is only of civil cognizance. No man is absurd enough to contend, that the congregation should be consulted only in cases of transportation, and not of original settlement. Nothing so wild has ever been urged as the proposition that the Assembly has the power to make this act as to second settlements, though not as to first inductions. The two cases stand on the self-same grounds, and the same arguments apply to both. I think those two answers, either of them, but certainly both together, are sufficient to repel the objection which I have now been considering."
—Lord Brougham's Speech, pp. 32, 33.

"Now I would have the Assembly specially to notice, the misunderstanding under which his Lordship here labours, in regard both to the law and the practice of our Church judicatories, as evinced in the first, and still more obviously exhibited in the second of the above paragraphs. He reasons from the imagination that when induction is separate from ordination, as in the transportation of ministers, the idea of a Presbytery having the power to refuse such induction were an absurdity too violent to be entertained for a moment. And from this he reasons to the equal, if not greater absurdity, of a Presbytery having power to refuse induction—when a minister, for the first time, has been presented to a parish. Now it so happens that on every such question of a second induction, and wherewith the ordination of the Presentee is not at all concerned, he having been already ordained on admission to his first parish—on every such question of induction, and of induction alone, the Church courts do put forth the very power, and actually describe the very steps, which, in the eye of his Lordship it were quite monstrous to conceive of as possible. They call on the first congregation to appear at their bar, and cite their reasons, if they have any, why their minister should not be dissevered from them; and they call also on the opposite side to state their counter reasons why the removal should take effect. The Presbytery sits in judgment on these reasons; and if their finding be the superior fitness of the Presentee for his present over his proposed charge, they can put their authoritative interdict on the removal, an in-

terdict the power of which has never been disputed that we know of; but, as a matter of course, is acquiesced in by all parties, though to the great disappointment it may be, both of the Patron and the Presentee.* So late as last year, this very process was gone through to the very great disappointment of the Patron. His Lordship has just carried us to the very place where the strength of our cause appears in characters of most irretragable demonstration. Go to England where ordination is given separately from induction; and we there see that no civil power, not even the king, who is the head of their Church, would offer to control a bishop in the matter of ordination. Come back to Scotland, and look to the only cases where induction takes place separately from ordination, as in the transportation of ministers; and we there see the absolute uncontrolled power of the Presbytery, either to reject the presentation or to give effect to it. In England ordination is a matter not to be touched by the civil power, but is left altogether with the power ecclesiastical. In Scotland, induction when it stands aloof from ordination is a matter never touched by the civil power, but is left altogether to the power ecclesiastical. But by this sweeping sentence on the case of Auchteraider, the power ecclesiastical is doubly overborne. Not only are we lorded over as to the matter of induction—respecting which our Church has all along, and up to this moment, stood superior to the Church of England; but we are further lorded over as to the matter of ordination, in which if our prostrate and fallen Church do acquiesce, we shall be degraded immeasurably beneath the sister establishment. And all this too as the conclusion of an argument resting on premises, not only different from the truth, but directly and diametrically opposite to the truth. To get at the real state of the case, the basis of his Lordship's reasoning needs only to be reversed, or turned upside down—when it will be found that on the side of the people may be raised the very *argumentum à fortiori*, which his Lordship imagines to be altogether on the side of the Patron. We do refuse induction from a first to a second charge, when we judge it fitter that the minister should remain in the first, than that he should be removed to the second. We look to the difference of the fitnesses, and we decide accordingly. In the case of transportations, we pass judgment, not on the whole fitness for one charge, but on a mere excess or remainder,—the difference between his fitness for one charge and his fitness for the other. And we thiuk the conclusion altogether legitimate—If the Presbytery can thus arrest a presentee, on the smaller consideration of a difference in fitness between two charges, in the case of a second presentation—then, not how much less, but how much more is it competent for the Presbytery, to arrest a presentee on the entire consideration of his fitness altogether for the one and only charge in question, when it is the case of a first presentation. If when the minister of A has been presented to the parish of B, the Presbytery have been ever in the habit of deciding this matter against him on the lesser ground of his greater fitness for A than for B, and can thus hinder his induction into B—who does not see, how when this same minister was presented to A, if instead of finding his superior fitness for A over B, they had come to the very opposite finding of his unfitness for A—who does not see, unless there be greater virtue in but part of an element than in the whole of an element, that the Presbytery must have the power to hinder his induction into A, or rather the induction of any presentee into first, as well as into second, third, or any future parishes?

The Dean of Faculty has told us of the civil law, that he does not call for the immediate forth-putting of all its powers in order that the Church may have time to retrace its steps. But I wish he knew all the difficulty we have had, in prevailing

* "If the minister of another parish is presented to a vacant parish, and he is already a member of the Presbytery, he is afterwards directed to intimate from his pulpit, that there is a call to him from another parish, and that it is intended to transport him there; and at same time to summon such of his parishioners as wish to defend their right to their minister, to attend the Presbytery on a particular day, when the case is to be heard." "If the parish attends and urges its right to retain its minister, the Presbytery judges between it and the competing parish."—"If he belongs to a different Presbytery, the Presbytery which has received the presentation and the call in his favour, commissions some of its members to repair to that Presbytery, to lay before it the call, and an account of the Presbytery's proceedings, and having shown ground for transporting the Presentee from the one charge to the other, to request that the Presbytery under whose jurisdiction he is, will take the necessary steps for effecting his removal. The reasons of transportation are committed to writing, that a copy of them may be sent with the other papers to the minister's parish. The same steps mentioned above are ordered to be taken. And if no sufficient objections are made to his removal the Presbytery to which he belongs releases him from his charge, declares his church vacant from the day designed for his admission, or the day on which he shall be admitted to the other parish, and appoints him to wait for, and obey the orders of the Presbytery where the charge lies to which he is to be transported, as to the time of his admission thereto."—Hill's Practice of the Judicatories of the Church, pp. 63, 64.

on the best and ablest of our ecclesiastics, to refrain from the immediate forthputting of all the powers of the Church, in order that the civil courts may have time to retrace their steps. We could depose these refractory licentiates, or we could ordain on the moderation of a call at large a minister for Auchterarder; but all this has been forborne, and I think most properly forborne—for far better surely than any side-wind attempt to get the better of the civil power, were it to enter at once on the ground of direct and declared principle; and as the very first step towards an adjustment, to offer a frank explanation of all our views, and of all our difficulties. Let me only hope that the forbearance will be mutual—that a season of repose and opportunity will be allowed for the settlement of this question—some common ground be laid open on which piety and patriotism might meet together, where the sages of the Church and the sages of the State might enter into converse; and the happy accommodation at length be fixed upon, which might at length remove the misunderstandings and reconcile the interests of both.

Before I conclude this part of the argument, I would offer a few words on the appearance which the Church has made in the Civil Courts upon this question—first as a party in the Court of Session, and secondly by appeal to the House of Lords. It never was a question between her and Mr. Young; but still a question which she rightly entered on (and never ought for any other purpose) in order to ascertain the important point, whether, by the methods of her ecclesiastical policy, she had forfeited or not, her civil right to the temporalities of the parish of Auchterarder? She appeared before the Court of Session as guardian of the moral interests of the families there, and for the sake of preserving their right to the legal sustentation of a Christian ministry in the midst of them. If the sentence was given against them, she behoved to acquiesce in the loss; but is no more obliged on that account to admit Mr. Young as minister of the parish, than to admit, at the bidding of the civil power, any individual as communicant at the Lord's table. And when she carried the cause by appeal to the House of Lords, she appeared in the same capacity as before; and also for another reason which has been admirably expounded by Mr. Gray in his pamphlet of very powerful and conclusive reasoning, entituled, "The Present Conflict between the Civil and the Ecclesiastical Courts."

"It is asserted, however, that the Church virtually admitted the civil supremacy by her appeal to the House of Lords. The appeal has been adduced as showing that she is inconsistent and insincere. It has been regarded as a practical renunciation of her claims to a separate and independent jurisdiction. But the appeal ought not to be thus construed. Its real import was the opposite of what is alleged. Instead of its being a compromise and abandonment of the principles she maintains with respect to the powers she has derived from her Divine and only Head, it is to be viewed as demonstrating that her adherence to them remains unshaken. It is *because* she was convinced that her jurisdiction was not dependent upon the Court of Session, and that that judicatory had no title to control her proceedings, that she took her appeal to the House of Lords. The Court of Session had exceeded her province; her object was to compel that court to retire within the limits of its own jurisdiction. But how was her object to be accomplished? She herself makes no pretensions to that super-eminent control which she denies to the Court of Session, she fully acknowledges that she has no power to coerce a co-ordinate tribunal. Her course, therefore, was to apply to those who *have* power over the Court of Session, and who *can* put an end to what she deems an unconstitutional interference. It is said that, by her appeal, she admitted the supremacy of the House of Lords. She did—she did admit the House of Lords to be supreme with relation to the Court of Session; and, therefore, she went to the House of Lords to crave that it would be pleased to set the Court of Session right. She went to the House of Lords, *not* because she was perplexed with doubts which she longed to have set at rest; *but* because she had no doubts whatever, and was fully persuaded that her rightful jurisdiction had been infringed. She might, indeed, have refrained from appealing, and rushed with fiery zeal into that collision to which she believed the proceedings of the Court of Session inevitably tended; but surely she acted a more becoming part, when, deprecating the conflict which must arise, should the Court of Session persevere in the course on which it had entered, she repaired to that exalted tribunal, by which all that is transacted in the Court of Session may be reviewed, and besought it to prevent the impending strife, by reversing the judgment which was adverse to her liberties.

"But did she not appeal upon the *merits*, as well as on the point of jurisdiction?

She did undoubtedly appeal upon the merits; but *why* did she do so? Did she seek to justify her procedure, because she held that it was competent for the Civil Courts to overturn what she had done, or to inflict pains and penalties upon her Presbyteries, if dissatisfied with the manner in which they executed the duties committed to them? No. The true and sole reason, was her laudable desire that the civil sanction and civil benefits might not be disjoined from those of her actings which were called in question. Not only did she not deny—she was forward to concede—that the Civil Courts had the exclusive right to administer the law of the land, in regard to the disposal of the temporalities of her parishes. To *that* extent she admitted their jurisdiction. And for the purpose of enabling them to adjudicate fairly as to the temporalities—and to show that they ought not to confiscate her endowments,—she willingly addressed herself to the vindication of her conduct before them.

"Aware that advantage might be taken of the appeal to put a construction upon that step which it did not *necessarily* bear, and which she never intended it to bear, she adopted the precaution of contemporaneously announcing what her principles were with respect to the points it involved. The same General Assembly which directed the Court of Session's judgment to be appealed against, passed the resolution, wherein the conclusive jurisdiction of the Civil Courts in regard to the civil rights and emoluments of the Church is unqualifiedly acknowledged, and wherein also the exclusive jurisdiction of the Church, founded on the word of God, in all matters touching her own doctrine, government, and discipline, is asserted, and the intention expressed of "at all hazard" defending it. Now it has been the delight of some to argue that the Church stultified herself when she passed the resolution, and also ordered the appeal. But before it can be shown that such is the case, it must be shown that the resolution and the appeal are irreconcilable. It is not enough to show that a construction *might* be put upon the appeal which would be at variance with the principles avowed in the resolution. One of the circumstances which rendered the resolution necessary, was just the admitted possibility of the import and design of the appeal being misunderstood. By the resolution its character was fixed, and its real meaning promulgated to the world. Thereby most distinct intimation was given that, so far as the merits of the cause which was the subject of appeal were concerned, the Church would go into them *only* that the *civil question* as to the benefice might be determined in her favour; and that, with reference to her spiritual jurisdiction, she did not recognise in any Civil Court the right to interfere with it, but simply went upon the competency of the House of Lords to protect it from invasion by the Court of Session."—pp. 18—20.

III.

The following document will give a clear idea in Scotland, and perhaps a general idea in England of the state of our question.

REASONS OF DISSENT, &c. AND ANSWERS THERETO.

14th August, 1839.

The Commission of the General Assembly having taken up the reference from the Presbytery of Auchterarder, did, by a majority of 81, adopt the following deliverance:—

"The Commission having heard the reference from the Presbytery of Auchterarder, sustain the same—The Commission are of opinion, not only that the application on the part of Mr. Young is incompetent, he having been finally rejected by a sentence of the Presbytery, not appealed from; and a similar application having been directed to be refused by the General Assembly 1838, but that compliance with it would be a violation of the fundamental principles of this Church, in contravention of the express provision of its standing laws, and in defiance of the authority of last General Assembly, who, on the report of this very case of Auchterarder, declared, 'that no presentee shall be forced on any congregation

contrary to the will of the people,' as well as in opposition to the sentence of the Commission of 28th May last; and the Commission are further of opinion, that no sentence of any Civil Court could justify such compliance. The Commission considering, however, that a motion was made in the Presbytery, and supported by several of the members, to the effect that the Presbytery should comply with Mr. Young's requisition, deem it necessary to prohibit, and do hereby prohibit the said Presbytery from in any event taking any step towards the settlement of Mr. Young in the Parish of Auchterarder, as they shall be answerable."

From this decision Dr. Cook and Others dissented, and gave in the following REASONS:—

We dissent from the recommendation or injunction of the Commission to the Presbytery of Auchterarder, given in consequence of a reference by that Presbytery, not to take upon trials Mr. Robert Young, presentee to the parish of Auchterarder,—

1. Because we consider that the resistance implied in this decision of the Commission to the solemn judgment of the Court of Session in the cause of Mr. Young, affirmed upon an appeal by the Church in the House of Peers, is inconsistent with the duty of every good subject, is subversive of the great purpose for which all government is instituted, and is peculiarly to be lamented and condemned when exhibited by the members of an Established Church, deriving from the Legislature its privileges as an establishment.

2. Because the mode of procedure recommended by the Commission to the Presbytery of Auchterarder, must place the clerical members of that Judicatory in a most painful and perplexing situation, exposing them to heavy pecuniary and other penalties, and tending to impair in no slight degree both their influence and their respectability.

3. Because persisting in such conduct as the Commission prescribes or sanctions, must speedily terminate, either in the subversion of our Presbyterian establishment, or in the separation from it by legislative enactment of those who set at defiance, in what is declared to be a matter of civil right, the highest judicial authorities of the kingdom,—both of which evils are to be deprecated by every sincere friend of our National Church.

4. Because there is no well founded reason for making such sacrifices, and defeating those momentous spiritual objects which it is so desirable to effect, merely that the Church might pertinaciously clung to what is commonly denominated the Veto Act, which is itself an innovation very recently introduced, and which is subversive of those powers of Presbyteries in reference to the settlement of ministers, for which our fathers, for ages after the Reformation, zealously contended as essential to the usefulness and to the efficiency of our Presbyterian polity.

5. Because, in appending to their advice a peremptory prohibition to the Presbytery of Auchterarder from in any way taking any step towards the settlement of Mr. Young in the parish of Auchterarder, as they shall be answerable; the Commission have, in our opinion, exceeded their powers in pronouncing a decision on a question submitted to them for advice.

ADDITIONAL REASON, BY DR. BRYCE AND OTHERS.

Because the Church, in carrying the question involved in the Auchterarder Case to the House of Lords, did equally in law, honour, and good faith, place herself under the obligation to abide by the judgment of that tribunal, whatever it might be; and so far as within her power to give effect to it; and without a manifest violation of this pledge, cannot adopt a motion prohibiting the Presbytery of Auchterarder from doing what that judgment has pronounced, that they are bound by the law of the land to do.

20th November, 1839.

Mr. Candlish in name of the committee appointed to prepare Answers to the foregoing Reasons of Dissent, gave in the following, which were approved of and adopted by the Commission as their Answers to the said Reasons. It was stated,

that in consideration of the great importance of the case, it had been deemed expedient to take this opportunity of vindicating at some length the principles on which the Commission proceeded in the decision complained of; and that the Answers accordingly had been prepared with greater fulness than might, in ordinary circumstances, have been thought necessary.

Answers to the foregoing Reasons of Dissent.

I. It is alleged, that "the resistance implied in this decision of the Commission to the solemn judgment of the Court of Session, affirmed upon an appeal by the Church in the House of Peers, is inconsistent with the duty of every good subject, and subversive of the great purposes for which all government is instituted." The dissentients here carry us back to the fundamental principles on which civil authority is founded. They speak somewhat vaguely of the duty of good subjects, and the great purposes for which all government is instituted; and in order fairly to test the truth of their assertion, on this point, it would be necessary to define the nature and the grounds of the duty which subjects owe, together with the reasons and ends of the authority which government may claim. But a shorter process may suffice. The dissentients will not maintain that the duty of good subjects is unlimited, or that the purposes for which government in instituted warrant an unlimited exercise of power in civil rulers, or an unlimited and unreserved obedience in those over whom they rule. The authority of magistrates, and the allegiance of subjects, are sanctioned and enjoined by the Word of God: and this sanction and injunction add incalculable weight to the claim of sovereignty on the one hand, and the obligation of submission on the other. But, at the same time, the very consideration which confirms these, also limits them. The interposition of one greater than any earthly magistrate, for the purpose of upholding the authority of the magistrate, necessarily implies the imposing of a certain restriction on that authority, as an authority which must be subordinate to that of him who upholds it. Even if it were admitted, therefore, that the Church is in the present instance directly refusing submission to the State,—even if the Church were opposing itself to the will of the government, the Legislature, directly intimated, not through a court co-ordinate with her own, and judging in a particular case, but by an immediate act of sovereignty,—still, it could not be assumed that the Church is violating any duty, or subverting any of the great ends of government, unless it could be proved, that the Church owes no duty to a higher power than the State, and has no government with still higher ends which she is bound to recognise. The Commission, following out the decision of the General Assembly, has refused obedience to a very plain declaratory judgment of the Court of Session, and undoubtedly the principles on which the Commission proceeded imply, that the Church should be prepared to refuse obedience to the most peremptory enactment, on the same subject, even if it were issued by the State itself, by that very sovereign power, which is able both to inflict the most severe penalties on individuals and to dissolve altogether the alliance between the civil and ecclesiastical societies. Even this, however, would not be inconsistent with the duty of good subjects, or subversive of the purposes for which government is instituted. The dissentients, themselves, it is presumed, would refuse to obey an order of any government, requiring them to admit an individual to Church privileges, in opposition to the recorded judgment of the competent Ecclesiastical Court. And they might be good subjects notwithstanding this refusal, and might be far from subverting any of the purposes for which government is instituted. The difference, therefore, between them and the Commission, lies simply on this, that while both fix a limit to the duty of subjects and the authority of government, they do not both fix the same limit; while both must be prepared to refuse compliance at a certain point, they do not agree upon the same point. Still the dissentients must unite with the Commission in holding that the Church may be entitled, and indeed bound, to disobey the orders of the State, in entire consistency with the most conscientious regard for the duty of good subjects and the purposes for which government is instituted; and, therefore, they cannot allege the mere fact of her being in a position of disobedience, as in itself any proof that she is violating that duty or subverting these purposes.

But the case is not even so unfavourable, in appearance, for the Church, as we have now put it. The dissentients, indeed, introduce the circumstance of the

Church having appealed the case from the Court of Session to the House of Lords, and also that of the Church being established, as aggravating her alleged sin. In regard to the first of these considerations, if the dissentients mean to insinuate, as some of them in their additional reason affirm, that the appeal to the House of Lords implied a pledge on the part of the Church that she would actively execute whatever decree was passed by that tribunal, the insinuation, or affirmation, is founded on an entire misapprehension of the position which, from first to last, the Church occupied in the civil action which was carried on. The Church, in defending that action at the outset, and subsequently in appealing the case, recognised the power of the Civil Courts to dispose of the temporalities of the benefice of Auchterarder, and pledged herself to acquiesce in their decision, in whatever way it might dispose of them. And having an obvious interest in securing the temporalities for the minister who might ultimately be ordained to the pastoral charge, according to her own laws, the Church was bound in duty to plead her cause, and to carry it to the court of last resort. Thus far she admitted the competency of the courts of law, but no farther; and at the very time of authorising the appeal, she made the most explicit declaration, that she would not submit to the decision of the Civil Courts in regard to any thing but these civil matters. She was pledged to acquiesce in their judgment, as it settled all civil rights and emoluments. She has redeemed her pledge. She is in court no longer. The courts of law may dispose of these temporalities as they see fit, now that the question regarding the Church's interest in them is finally decided.

But the dissentients represent the resistance to the judgment of the Civil Courts, implied in this decision of the Commission, "as peculiarly to be lamented and condemned," inasmuch as it is "exhibited by the members of an Established Church, deriving from the Legislature her privileges as an Establishment." It is here assumed that the Church, in consenting to accept or to retain her privileges, as the Established Church, did, expressly, or by implication, agree to certain terms or conditions, which she is now violating. The precise nature of these terms or conditions, is not stated. It would seem, indeed, that the dissentients include in them, an obligation of unreserved and unqualified compliance with any degree whatsoever which the civil tribunals might give; and that they hold the Church as having consented and become bound, to render active obedience to every solemn judgment of the Court of Session, which the House of Peers might affirm. For their allegation is quite universal. They make the simple fact of implied resistance, apart altogether from the grounds of it, a violation of the terms of the Church's Establishment. No such condition as that of implicit deference to the Civil Courts, enters into the system of that Establishment. It would be sinful in any Church to agree to an alliance with the State, if such a condition were insisted on; and it would be sinful in the State to insist on it. In regard to our own Church, in particular, the State, in the very act of conferring on her the privileges of an Establishment, has unequivocally recognised her tribunals, as entitled to the very same consideration which the Civil Courts themselves may claim. The State never exacted from the Church a surrender of her inherent right of supreme jurisdiction; nor did the Church come under any obligation to do whatsoever the Civil Courts might order. On the contrary, the State gave its sanction to the Ecclesiastical Courts, as fully as to the Civil Courts themselves; and looking upon the benefits which an Established Church confers on the community as in themselves alone a sufficient equivalent for the benefits which she receives, the State reposed a reasonable confidence in the Church; and secured to the Ecclesiastical Courts, freedom to regulate their own proceedings, in all cases, according to their own interpretation of the mind and will of their Great Head,—reserving, of course, to the Civil Courts, the undoubted prerogative of applying to the same cases, in all their civil relations, their own principles and rules of civil judgment. But the State has recognised in neither order of courts, the power of coercing or controlling the other. The State itself has no such power in reference to the Church. It has power indeed to withhold or to recall the privileges of her establishment, but not to compel her compliance with any law, or any interpretation of any law, beyond the point to which she may conscientiously feel herself at liberty to go. At that point she is free, so far as her alliance with the State is concerned,—she is bound, so far as her duty to her Great Head is involved, to stop short. Her doing so is no violation of any condition,—no breach of any contract. She is entitled and required to obey God rather than man. Nor is she called upon, in such circumstances, voluntarily to renounce the

privileges of her establishment, as if these were forfeited by her finding herself unable, in any particular case, to carry the will of the Civil Courts, or even of the State itself, into effect. On the contrary, it is the duty of the State to provide such a remedy for the evil which may ensue, as shall leave unimpaired the right of the Church to act according to her own convictions; and whatever the State may do, it is the duty of the Church simply to act according to these convictions, leaving it to the State to determine whether her privileges as an establishment shall be continued or withdrawn,—as undoubtedly it rests with the State always to say whether the Church shall be positively supported or merely tolerated. Thus, in reference to the law which restored patronage, (1711,) the Church has declared that she cannot give effect to that law as it is now interpreted by the Civil Courts. Whatever she may have done in former times, she did, not in obedience to any order of a Civil Court, but in accordance with her own judgment; she now finds, that when her own judgment is clear and decided, in whatever way, she cannot, merely in obedience to such an order, set that judgment aside. For it is most important to remember, that when the Church formerly settled ministers, under the law of patronage, she did so at her own discretion. The Civil Courts interfered in certain instances to decide where the patronage lay. But they never interfered to determine to what extent the Church must give effect to presentations. On that point the Church herself judged. It was always maintained by a considerable minority in her judicatories, that she judged, in too many cases, erroneously and sinfully, and they who held such an opinion, always endeavoured, with more or less effect, to bring the judgments of the Church into nearer accordance with reason and Scripture. They did not consider themselves as precluded from making such an attempt by any consideration of the duty which the Church owed to the State. The attempt was finally successful. The Church has now declared to what extent she can give effect to the law of patronage. The Civil Courts have for the first time declared to what extent they consider the Church bound to give effect to it. The Church admits the right of the Civil Courts, in these circumstances, to determine in what manner the civil rights and emoluments are to be disposed of. But she cannot go beyond her own deliberate and conscientious judgment; and respectfully intimating that judgment, she leaves the general question of her establishment to the decision of the State itself, with whom rests the power of saying whether she is to be established at all or not. This is the real position of the Church,—a position of critical and vital interest indeed; but not implying either resistance to law, or any violation of the conditions of her establishment.

2. In regard to the second reason of the dissentients, it is admitted that "the mode of procedure recommended by a Commission to the Presbytery of Auchterarder," may "place the clerical members of that judicatory in a most painful and perplexing situation,—exposing them to the heavy pecuniary and other penalties." This undeniably is a very serious and distressing consideration, and it entitles the members of the Presbytery of Auchterarder to our deepest sympathy. But it cannot affect the course of duty. It cannot warrant us in doing ourselves, or in recommending others to do, what is contrary to the law of the Church, and in violation of what she has declared to be one of her fundamental principles. We fearlessly assert, that in recommending to the Presbytery of Auchterarder the course of procedure which may involve them in such unpleasant consequences, we felt for the members of that Presbytery, at least as sincerely as our brethren, who would have advised them otherwise. We have done what we could to make the course of procedure which we have recommended, not theirs, but our own. By interposing our authority, we have put ourselves, as far as possible, in their place, and made ourselves, instead of them, the parties justly accountable. But conceiving ourselves equally with them to be bound by the decisions of the Supreme Tribunal of this Church, repeatedly and solemnly given in express conformity to a standing law, which it is not proposed to repeal, we could not purchase for ourselves, or for them, exception from the danger of suffering even the worst penalties, by any sacrifice of that allegiance to which we are bound by oath. It was certainly a new thing in the history of our Church, to find any of her members, who have sworn to maintain her established constitution and government, deliberately proposing by a summary resolution of the Commission of Assembly, (specially directed in the very warrant by which they act, to proceed "in all their actings," "according to the acts and constitution" of the Church,

and "to do nothing contrary thereto, or to the prejudice of the same,") to reverse the judgment of the Assembly itself, and to set at nought the law of the Church, in direct violation of all ecclesiastical order and subordination, as well as of the express provisions of the Barrier Act, according to which the law in question was passed. It is still more strange to find such a line of conduct defended, mainly on the avowed ground of its being a safer course, and less likely than any other to bring those who follow it into trouble. They who argue thus may be giving prudent counsel, according to the wisdom of the children of this generation; but how far their advice is consistent with the higher wisdom of Christian principle, or is fitted to maintain "the influence and respectability" of Christian ministers or Christian men, may well be doubted.

3. The remarks already made on the second reason of dissent will apply in a great degree to the third. Our brethren anticipate more extended evils—evils more widely affecting the Church than pecuniary and other penalties imposed on individuals. We fully admit that their anticipations may possibly be realized; but not that they necessarily must be so. The dissentients have not stated all the alternatives, in their estimate of the probable consequences to be apprehended from the mode of procedure which they deplore. They speak of "its terminating speedily in the subversion of our Presbyterian Establishment." This speedy subversion of our Establishment is to be effected, it is presumed, by a direct interposition of the Legislature summarily dissolving the connection between our Church and the State. Or, perhaps, the dissentients look forward to a series of decisions to be pronounced by the courts of law, which may gradually, and without any legislative measure, alienate the patrimony and endowments of the Church from the support of the ministry in many of her parishes, and may, moreover, subject the members of her judicatories to various pains and penalties. Such proceedings cannot be contemplated without great anxiety and alarm; and they plainly tend, if not speedily, at least ultimately, to the subversion of our Establishment. But the dissentients lean to the supposition, that the Legislature must interpose in this difficult emergency, and they suggest the substance of the enactment which may be passed. It is to be an act "for separating" from our Presbyterian Establishment, "those who set at defiance, in what is declared to be a matter of civil right, the highest judicial authorities of the kingdom." Our brethren, as "sincere friends of our National Church," would regret such a separation. They "deprecate" it as an evil. But they regard it apparently as the least evil, in the circumstances, the mildest measure that can be adopted. Now we admit, that if the Legislature see fit, it may pass such an act. It may interpret the terms of our Establishment, as implying an obligation on our part to yield active and unreserved obedience to every sentence of "the highest judicial (Civil) Authorities, in what is declared," (*by themselves,*) "to be a matter of civil right." We frankly acknowledge that, on such terms, we cannot continue members of an Established Church; and if the Legislature shall enact or declare, that these shall be or are the terms of our present Establishment—as it undoubtedly has full power to do—we must, with the convictions which we conscientiously hold, forego, however reluctantly, the advantages which our Establishment gives to us and to our people in the discharge of our several duties. Our brethren, who think differently, may still retain these advantages, if they really can reconcile themselves to the position which they will then occupy, under such an Act of Parliament as they here submit to the Legislature. It must be an act empowering the Civil Courts,—first, to declare any matter whatsoever to be a matter of civil right; and, then, having so declared it, not only to adjudicate on the civil interests involved, but also to control authoritatively the proceedings of the Church, in the exercise of their spiritual functions, in that matter. To such an act our brethren may submit. But for our part, we cannot allow that the mere declaration of the Civil Courts, respecting a particular matter, that it is a matter of civil right, necessarily brings that matter within their province, any more than a declaration of the Spiritual Courts, that it is a spiritual matter, brings it exclusively within theirs. We do not claim for Spiritual Courts any such power,—first, to declare any matter spiritual, and then, on the mere ground of that declaration, to decide all points relating to it; thus withdrawing it from the jurisdiction of Civil Courts altogether. Nor can we allow to the Civil Courts on their side, so unlimited a prerogative. We most fully recognise the competency of the Civil Court, to dispose of all civil questions which may arise, in any matter whatsoever, whether declared by us to be spiritual or not; and in the disposal of these questions, we

assert no power over them. But we cannot admit that they are entitled, in whatever they may declare to be a civil matter, to prevent us from disposing of such spiritual questions as we may find to be involved in it; or to require of us implicit submission to themselves, in the disposal of them. Such an admission our brethren must be prepared unqualifiedly to make, if they are to continue attached to our Presbyterian Establishment under such an act of separation, as they anticipate. We do not consider that such an admission is implied in our adherence to the Establishment as at present constituted, and nothing but an express declaration of the Legislature will convince us that, in establishing the Presbyterian Church in this land, the State intends to make this a condition. We cannot think the State will do so. We also desire an Act of Parliament to be passed, but of a different character from that which our brethren apprehend. We ask the Legislature to continue the establishment of our Church, on terms which shall not subject the Church to the necessity of either submitting to the Civil Courts, in a matter in which her spiritual functions are concerned, or bearing the unhappy consequences of her reluctant refusal to submit. The law of patronage, as now interpreted by the Civil Courts, certainly places the Church in this painful position. We ask for such a modification of that law, as shall leave us free to accommodate our decisions in matters spiritual to the decisions of the Civil Courts in matters temporal, so that the two jurisdictions concerned in the settlement of vacant parishes, may, in their separate provinces, move harmoniously together. Such is the remedy which we propose,—a remedy which has this advantage over that pointed out by the dissentients, that while their measure must offend the consciences of very many members, nay, of a majority of our Church, and separate them from the Establishment, our plan is one in which they are not prevented, by any view which they hold, from acquiescing. They have already acquiesced for some years in the law of non-intrusion, as sanctioned by the Church; and however they may dislike or disapprove of it, they can have no such difficulty in continuing to submit to it, if sanctioned now by the State, as the majority in the Church must have in surrendering to human authority, what they still solemnly believe to be one of her fundamental and indispensable principles as a Church of Christ.

4. The fourth reason expresses the opinion of the dissentients, that "what is commonly denominated the Veto Act," is not one to which the Church is bound "pertinaciously to cling," if her doing so should imply such sacrifices as they anticipate. That our brethren should entertain this opinion is not wonderful, if we consider the estimation in which they hold that Act of the Church. They allege that it is an "innovation very recently introduced." Now, it is true, that the act in question introduced certain new forms of procedure and new regulations. But these were intended to give effect to the ancient and fundamental principle, "that no pastor shall be intruded into any congregation, contrary to the will of the people." The Church has not finally committed herself to the new regulations, but only to the ancient principle. It is the principle of non-intrusion, as now defined by that act, that she has declared to be one which cannot be abandoned. The form into which the principle is cast may, in some respects, be new. But the principle itself is old. If the dissentients dispute the antiquity of the principle as well as of the form, we are not careful to answer them in this matter. We stand upon the repeated and solemn declarations of the Church herself, in all periods of her history; and believing that, in so far as she, at any time, in her practice deviated from it, she grievously sinned, we thankfully rejoice in her return to the sound mind of our fathers. If she has, before these recent years, herself intruded ministers on reclaiming congregations, she has, in our opinion, erred. She would err still more lamentably, if she suffered herself now to be compelled, against her own judgment, to do so. It may be pleaded, that according to a certain interpretation of the word, there is no intrusion when a minister is settled by the free voice and judgment of the Church's own Courts. We do not admit this plea. But even if we did, we would hold, that if a minister is to be settled against the mind of the Church herself, at the mere bidding of the civil authority, this is substantially, in the fullest sense, contrary to the principle of non-intrusion, even according to that import of the term which our opponents may contend to have been the oldest and the most correct. To pass the act against intrusion, was no innovation. To abandon it, in the circumstances in which we are placed, and with the views which we entertain, would be an innovation of the most fatal sort. But the dissentients allege a still more serious objection to the act in question,—that it is "subversive of those

powers of Presbyteries, in reference to the settlement of ministers, for which our fathers zealously contended." What these powers are, is not specified by our brethren. But the only power which it seems to us that the act can be said to subvert, is the power of Presbyteries to settle ministers, without regard to the will of the Christian people. All the other powers of Presbyteries remain entire. Their power, in the exercise of discipline, in a vacant congregation, for the prevention of disorderly or factious conduct; their power, as entitled to preside and moderate in every stage of the proceeding, and especially in the matter of the call; their power of taking upon trials and judging of qualifications; their power of interposing to prevent any settlement which they consider to be inexpedient—all these powers are left unimpaired. It is not said by our brethren, who object to the people having a right to dissent, that the right of lay-patronage is subversive of the powers of Presbyteries, for they would probably hold that the circumstance of an individual being presented to a Presbytery by a patron, does not interfere with the fullest exercise of the Presbytery's power, in proceeding to ascertain his fitness for the pastoral office. If, then, it be no subversion of the powers of Presbyteries, that they are prevented by the law of the land from settling a minister without the consent of the patron, it is hard to see how it can be considered a subversion of their powers, that they are prevented by a law of the Church itself from settling him without the consent of the people; provided in both instances they are left free to form their own judgment regarding his settlement, even although both patron and people consent to it. Even on the principles of the dissentients themselves, it does not appear how the introduction of the will of the patron, as a preliminary element in the question of the settlement of a minister, is less a subversion of the powers of Presbyteries, than the introduction, to a certain limited extent, of the other element, of the will of the people. In fact, the presbyterial power, about which our brethren are so jealous, is nothing else than the power of setting aside, if they see fit, the declaration solemnly made, by a Christian congregation, that the individual proposed to them as their pastor, does not edify them. And this expression of their conviction, it is to be remembered, is not an act of opposition to any judgment of the Church herself, (for she has not yet tried the individual,) but simply a dissent from the will of the patron. How far such a power of disregarding a declaration so made, by those whom the Church herself has admitted to the high standing of Christian communion, and in whom she has seen no cause of exclusion from any of its privileges or responsibilities,—how far such a power is one which the Courts of a Christian Church should be very anxious to claim or to retain, we leave to the consideration of all who understand what the Church of Christ itself really is, as a congregation of faithful men,—the house and family of God.

So far, therefore, from the Church evincing now an undue degree of pertinacity, in adhering at the risk of great sacrifices, to the principle of non-intrusion, recently anew declared and ratified,—that principle is so sacred as fully to deserve and to demand that the Church should uphold it at all risks. Instead of an innovation, from which, if found to be inconvenient, the Church might fall back on her former usages, it is an ancient and fundamental rule, essential to her very constitution, which, although it may have been sometimes in practice relaxed, has never been abandoned. As such, it is to be on all occasions asserted, and all the more strenuously, the more strongly we may be pressed to concede it. Nor can we look upon the present emergency as a fitting opportunity for recovering to the Presbyteries, any powers which may be alleged to have been inadvertently surrendered. On the contrary, we are convinced, that the preservation of those powers which the Church Courts have, and ought to have, as final judges in all matters relating to the examination and admission of ministers, depends mainly, under God, on the constancy with which we persevere in the stand which we are now making, so as to protect both the Presbyteries and the people, from the claims of an arbitrary and unlimited patronage.

5. The dissentients charge the Commission as having exceeded their powers "in appending to their advice a peremptory prohibition to the Presbytery of Auchterarder, from in any way taking any step towards the settlement of Mr. Young in the Parish of Auchterarder, as they shall be answerable"—"thus pronouncing a decision on a question submitted to them for advice." It is not necessary to enter into any lengthened argument respecting the ordinary powers of the Commission. Their vindication in the present instance may be rested on their admitted right to interfere in any extraordinary emergency, so as to prevent the Church from sustaining

harm, during the interval between the meetings of the General Assembly. The case of the settlement of Auchterarder came regularly before the Commission; and considering, its importance and the incalculable danger of any false step being taken in it by any inferior judicatory, the Commission were fully warranted, in not limiting their sentence to the mere advice which was asked, but enforcing their advice by the sanction of their authoritative decision. At all events, the only effect of this interposition on the part of the Commission is to take upon themselves the responsibility of the continued refusal to receive Mr. Young upon trials, so that the Presbytery having no discretion in the matter, must leave it in the hands of the Supreme Ecclesiastical Judicatory. This the Commission are certainly entitled to require, and the Presbytery should be willing to grant.

On the whole, while we have felt it to be our duty, on this occasion to enter at length into the subject of this dissent, we may sum up our answers to the reasons of the dissentients in the form of counter-statements, nearly as brief as those which our brethren have put on record.

1. While, as good subjects, we are bound to acquiesce in the judgment of the highest Civil Court to which we appealed, in so far as it disposes of all the civil rights and interests involved in the question, it is no part of our duty to sacrifice to that judgment a fundamental principle of our Church, which we cannot conscientiously abandon. In following out, within our own province, our own convictions of what we owe to Christ our Great Head, and to his people, we do not subvert any of the purposes for which government is instituted, so long as we do not ourselves intrude into the province of the civil magistrate. Nor is there any thing in such conduct, inconsistent with our position as members of an Establishment. On the contrary, among the privileges which as an Establishment we derive from the Legislature, one, and that not the least, is an express recognition, by the Legislature, of this great truth, "that the Lord Jesus, as King and Head of his Church, hath therein appointed a government, in the hand of church officers, distinct from the civil magistrate;" which government, therefore, we are entitled and bound to administer, not always according to the will of the civil magistrate, but even, if need be, in opposition to his will, and always according to the mind of Christ.

2. In regard to the painful consequences to which the Presbytery of Auchterarder may be exposed, the Commission would do all in their power to protect that Presbytery. But they cannot regard any such consideration as a reason for disobeying the Supreme Tribunal of this Church, violating one of her fundamental principles, and consenting to perform a spiritual function, in compliance with the decree of a civil tribunal.

3. It is admitted that the Presbyterian Establishment may be subverted, and that the Legislature may pass an act in the terms suggested. In that event, the Establishment, shrunk and diminished, would certainly be Presbyterian no longer; or, if Presbyterian in name, it would be destitute of all that renders Presbyterianism valuable. For as the remnant, then constituted into a new Church of Scotland, would be bound to yield active and unreserved obedience to the civil authorities, in whatsoever these authorities themselves might see fit to declare to be a civil matter, and as on this footing, all matters whatsoever, connected with the government and discipline of the Church, might be brought within the province of their civil jurisdiction, and in all such matters, the Church might be required to carry their judgments into effect, —it does not appear for what good purpose the machinery of Presbyterian polity is to be kept up, since its courts could exercise no jurisdiction in any matter, without the risk of its being declared to be civil by the Civil Courts, and as such a matter in which the Church must take its orders from them. We should certainly prefer a dissolution of our connection with the State altogether, rather than such a modification of our Establishment. But there is an alternative to which the dissentients do not advert. The Legislature may remove the occasion of the present misunderstanding between the Civil and the Ecclesiastical Courts, by agreeing to bring the law into such a state, that the two tribunals, administering it in their own separate provinces, shall be able to coincide and concur, and their decisions in regard to the civil and ecclesiastical matters in question, shall in future harmonise.

4. The principle that no pastor shall be intruded upon any congregation contrary

to the will of the people, is asserted by the Church, not as an innovation, but as one of those which are fundamental in her very constitution; nor is it subversive of the powers of Presbyteries, as contended for by our fathers, for Presbyteries were never held to be invested with power to exercise lordship over God's heritage,—the only power with which the principle of non-intrusion is inconsistent. The Church, therefore, is not guilty of unreasonable pertinacity in adhering to that principle even at the risk of great sacrifices. On the contrary, while we are willing to yield all that is new in the recent law on this subject, provided the old principle is effectually recognised and saved, we conceive, that in contending against the interpretation now put upon the rights of patronage, we are standing upon the very ground which our fathers occupied, and vindicating alike the liberties of the people and the powers of the Presbyteries, against the encroachments of an arbitrary authority, which might overbear both.

5. We cannot acquiesce in such a limitation of the powers of the Commission, as is here contended for; 1*st*, because in a case admitted to be brought competently before them, we hold that there is no rule to prevent the Commission from giving such a judgment as they may find to be most for the interests of religion and of the Church; 2*nd*, because in the present case, their judgment cannot be alleged to interfere with the supreme authority of the General Assembly, since, in fact, it merely provides for the case being suspended, *in statu quo*, until the next meeting of that Court; and 3*rd*, because there is, in the circumstances of the present case, a sufficient emergency to warrant the Commission in exercising the high discretionary function with which it is confessedly invested.

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